



## CHAPTER 3 **POLITICAL RIGHTS AND THE RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS**

## POLITICAL RIGHTS AND THE RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS

117. Political rights, recognized in Article XX of the American Declaration of the Rights and Duties of Man,<sup>131</sup> are those that recognize and protect the right and duty of every citizen to participate in the political life of his or her country. These are by nature rights that serve to strengthen democracy and political pluralism.<sup>132</sup> As the IACHR has emphasized, there exists a “direct relationship between the exercise of political rights and the concept of democracy as a way of organizing the state ...”<sup>133</sup>.
118. Democracy is understood to be “[...] a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives.”<sup>134</sup> Democracy is essential for the effective exercise of fundamental freedoms and human rights.”<sup>135</sup> For its consolidation, it is essential to have an institutional structure guided by the separation, independence, and balance of powers, as well as the effective exercise of political rights through free and fair elections, and respect for and promotion of pluralism in society.<sup>136</sup>
119. Regarding the exercise of democracy, the Inter-American Court has held that its effective exercise in the States of the Americas constitutes an international legal obligation and they have, in their sovereignty, agreed that such exercise is no longer solely a matter of their domestic, internal, or exclusive jurisdiction.<sup>137</sup>
120. In that connection, the Commission emphasizes that “the exercise of political rights is an essential element of representative democracy”. For that reason, it has referred to the need to hold “authentic and free” elections, indicating that there is “a direct link between this electoral mechanism and the system of representative democracy”. In the Commission’s view, the authenticity of elections to which Article 23.2 of the American Convention refers means, in a positive sense, that there must be some consistency between the will of the voters and the result of the

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<sup>115</sup> IACHR, Resolution No. 01/90 Cases 9768, 9780 and 9820 (Mexico), September 29, 1990<sup>131</sup> Article XX of the American Declaration provides that “Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free.”

<sup>132</sup> IACHR, Democracy and Human Rights in Venezuela, December 30, 2009, par. 18.

<sup>133</sup> IACHR, Democracy and Human Rights in Venezuela, December 30, 2009, par. 21; and Second Report on the Situation of Human Rights in Peru, June 2, 2000, Chapter IV, par. 1.

<sup>134</sup> UN General Assembly, 2005 World Summit Outcome, A/60/L.1, 15 September 2005, par. 135.

<sup>135</sup> Article 7 of the Inter-American Democratic Charter.

<sup>136</sup> Article 3 of the Inter-American Democratic Charter; and UN Commission on Human Rights, Resolution 2000/47, Promoting and consolidating democracy, 25 April 2000.

<sup>137</sup> IA Court HR. Advisory Opinion OC-28/21. Presidential Reelection without Term Limits in Presidential Systems in the Context of the Inter-American Human Rights System, June 7, 2021, par. 55.



election. However, “[i]n the negative sense, the characteristic implies an absence of coercion which distorts the will of the citizens.”<sup>138</sup> Specifically, the Commission has held that the authenticity of elections covers [two] different categories of phenomena:<sup>139</sup> on one hand, those referring to the general conditions in which the electoral process is carried out and, on the other hand, phenomena linked to the legal and institutional system that organizes elections and which implements activities linked to the electoral act, that is everything related in an immediate and direct way to the casting of the vote.<sup>140</sup>

121. To summarize, the IACHR understands that for elections to meet the requirements established in Article 23 of the American Convention, it is essential for States to take steps that make it possible to ensure adequate general conditions in which the election is carried out, as well as during the organization of the electoral process and its implementation. This covers both the taking of positive measures such as abstention by the State from favoring any candidate or political group. The Commission also specifically recognizes that in fulfilling the obligations that enable the authenticity of elections to be guaranteed, not only are obligations being fulfilled that derive from political rights from an active standpoint, but also, from a passive standpoint, through the equity of the election, this contributes to respecting the right to participate on equal terms.<sup>141</sup>
122. In view of the serious human rights crisis precipitated on April 18, 2018, and the profound deterioration of the democratic institutional structure—resulting from the concentration of power and above-described reforms that for years undermined the separation of powers—, the 2021 general elections represented for Nicaraguan society the possibility of initiating a transitional period for the successful restoration of the rule of law and democracy, as well as the guarantee of the right to memory, truth, and access to justice by the victims of state violence. In 2021, however, the IACHR noted the intensification of a new phase of repression through a group of actions whose effect would be to end the opposition’s participation in the electoral process and facilitate the perpetuation in power of the current authorities of the Executive branch, in a context of generalized impunity and prolonged undermining of the rule of law that persists in the country and is condemned by the IACHR.<sup>142</sup>
123. Among the actions carried out by the State to obstruct the exercise of the political rights of persons considered to be in opposition to the government in Nicaragua, the IACHR identifies: the arrests and criminalization of leaders, including presidential nominee candidates, by passing and using ambiguous laws that arbitrarily restrict the political rights of the Nicaraguan population, electoral law

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<sup>138</sup> IACHR, Resolution No. 01/90 Cases 9768, 9780 and 9820 (Mexico), September 29, 1990, par. 47.

<sup>139</sup> IACHR, Resolution No. 01/90 Cases 9768, 9780 and 9820 (Mexico), September 29, 1990, par. 48.

<sup>140</sup> IACHR, Resolution No. 01/90 Cases 9768, 9780 and 9820 (Mexico), September 29, 1990, par. 48.

<sup>141</sup> IACHR. Report No. 303/20. Case 13.727. Merits. Fabio Gadea Mantilla. Nicaragua. October 29, 2020, par. 59. [unofficial translation]

<sup>142</sup> IACHR. Three Years After the Start of the Human Rights Crisis in Nicaragua, IACHR Condemns Ongoing Impunity, Washington, D.C., April 19, 2021

reforms inconsistent with international human rights law, and arbitrary cancellation of the legal status of opposition parties, among others.<sup>143</sup> Regarding this last point, the IACHR notes that the OAS General Assembly has noted with alarm the “worrisome trend of utilizing legislation to intimidate and/or threaten members of pro-democracy groups and independent medias in Nicaragua”<sup>144</sup>.

124. The IACHR also notes the increasing harassment of those identified as government dissidents, human rights defenders, and victims of human rights violations and their families. The IACHR also expressed concern over the repression of farmers and students, who played a lead part in the protests that began on April 18, 2018, and in the national dialogue of that year,<sup>145</sup> as well as for the persistent human rights violations.<sup>146</sup>

### ***A. Arbitrary arrests and criminalization of presidential nominee candidates and/or those deemed government dissidents***

125. Following the publication of the Electoral Calendar for the general elections to be held on November 7, on May 11, the Inter-American Commission noted an intensification of repression against the political opposition, social leaders, human rights defenders, and journalists, especially through arbitrary arrest and indictments on baseless charges. These arrests were carried out by the National Police, in some cases with the participation of people in civilian clothes and motorcycles. To date, most of them remain in the facilities of the Judicial Assistance Directorate (Dirección de Auxilio Judicial), known as “Nuevo Chipote”; and those who have been formally charged are being tried by authorities of the Judiciary.
126. On May 20, the Attorney General’s Office brought an action against nominee candidate Cristiana María Chamorro Barrios under the charge of “indications of money-laundering.” On the same date, the facilities of the independent media outlet Confidencial and the programs Esta Noche and Esta Semana, directed by journalist Carlos Fernando Chamorro, were seized. On May 28, two former staff members of the Violeta Barrios de Chamorro Foundation, Walter Antonio Gómez Silva, financial administrator, and Marco Antonio Fletes Casco, general accountant,

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<sup>143</sup> IACHR. 209/21 - IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua’s Upcoming Election, Washington, D.C., August 11, 2021.

<sup>144</sup> OAS General Assembly resolution AG/RES. 2962 (L-O/20), “Restoring Democratic Institutions and Respect for Human Rights in Nicaragua through Free and Fair Elections,” AG/doc.5710.20 rev.1, October 21, 2020.

<sup>145</sup> IACHR. MESENI NEWSLETTER. CIDH y OACNUDH urgen poner fin a las detenciones arbitrarias y a liberar a todas las personas detenidas desde el inicio de la crisis. July 2021 [Available only in Spanish]

<sup>146</sup> IACHR. MESENI NEWSLETTER. IACHR condena el conjunto de acciones estatales que tienen como efecto poner fin a la participación de la oposición en las próximas elecciones en Nicaragua. August 2021. [Available only in Spanish]



were arbitrarily arrested, having also been charged on May 20, along with Cristiana Chamorro.

127. On June 2, Cristiana Chamorro was arrested and then the government began a phase of judicial prosecution of nominee candidates and opposition political leaders. These events took place only a few days after the period established in the OAS General Assembly resolution of October 2020 for Nicaragua to implement the electoral reforms needed to guarantee free, fair, and transparent elections and to restore democratic guarantees—measures that were not implemented.
128. As of August 31, seven presidential aspirants had been arrested and over 30 arbitrarily detained,<sup>147</sup> among them, Arturo Cruz, Félix Maradiaga, Juan Sebastián Chamorro, Miguel Mora, Medardo Mairena and Noel Vidaurre, who were deprived of their liberty after announcing their intent to present their candidacy for the presidency, thereby preventing them from formalizing their participation in the electoral process. In addition, on June 12 and 13, the main leaders of the UNAMOS political party, formerly Sandinista Renovation Movement (MRS), were arbitrarily arrested, among them three nominee candidates for deputy for the National Unity party: Tamara Dávila, Ana Vijil and, Suyen Barahona.
129. On July 5, the National Police arrested: Medardo Mairena Sequeira, Pedro Joaquín Mena Amador, Freddy Alberto Navas López, Lesther Lenin Alemán Alfaro, and Max Isaac Jerez Meza. The first three are members of the Farmers' Movement (*Movimiento Campesino*) and the last two of the Nicaraguan University Alliance (*Alianza Universitaria Nicaraguense*). According to the press release issued by the National Police, they were arrested for crimes allegedly committed in 2018, and in order to investigate violations of Law 1055, "Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace," based on ambiguously defined crimes.
130. The information available indicates that the State has not officially confirmed the whereabouts of more than the 30 persons arrested, preventing them from contacting their families for over 80 days, and from accessing to an attorney of their choice. In addition, they would be held in dire detention conditions. In this context, at the request of the IACHR, on July 24, 2021, the Inter-American Court granted provisional measures for Juan Chamorro, José Aguerri, Félix Maradiaga, Violeta Granera, and their immediate families, given the extreme risk to their life and integrity in the context of deprivation of their liberty, measures that were later extended.<sup>148</sup> Moreover, the IA Court HR granted provisional measures in favor of

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<sup>147</sup> France24. Oleada de arrestos a opositores sacude a Nicaragua a cuatro meses de las elecciones. July 26, 2021.

<sup>148</sup> I/A Court H.R., Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua. Ratification, expansion and monitoring of provisional measures. Order of the Inter-American Court of Human Rights of September 9, 2021.

Támara Dávila.<sup>149</sup> Subsequently, on August 25, 2021, the IACHR requested the IA Court HR to extend the provisional measures to include Lesther Lenin Alemán Alfaro, and Freddy Alberto Navas López.

131. On September 9, 2021, the Court extended these provisional measures to include Lesther Lenin Alemán Alfaro and Freddy Alberto Navas López and demanded the immediate release of all beneficiaries of this protection measure.<sup>150</sup> The IA Court HR ordered Nicaragua “to inform in an unambiguous manner the families and trusted attorneys of their place of detention and permit immediate contact with families and attorneys,” and, in addition, “to guarantee immediate access to health care services and medicine for the beneficiaries.” It also ordered that the authorities were to “guarantee access by the beneficiaries’ trusted attorneys to the totality of their case file and to the online judicial information system.”<sup>151</sup>
132. The Commission notes that, in addition, on August 24, the Attorney General’s Office brought the first charge against persons held in their 90 days of judicial detention. That charge included presidential candidate nominee Cristiana Chamorro, journalist Carlos Fernando Chamorro, and his brother and founding member of the Pedro Joaquín Chamorro Citizens for Liberty Alliance party (CxL) and seven other persons, for the alleged crimes of improper appropriation and retention; laundering of money, property, and assets; mismanagement; and ideological falsehood and cooperation necessary for the crime of laundering money, property, and assets.<sup>152</sup> Since that date, the Attorney General’s Office has brought various charges against those detained in this context.
133. In that regard, the IACHR and the OHCHR have rejected the improper use of criminal charges against opponents to restrict their right to participate in public affairs and the right of freedom of association by charging them with serious crimes such as “money laundering” or “conspiracy to perpetrate the undermining of the national integrity<sup>153</sup>.”

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<sup>149</sup> I/A Court H.R., Matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Adoption of Urgent Measures to the benefit of Deisy Tamara Dávila Rivas and her immediate family in the framework of the Provisional Measures adopted in the matter of Juan Sebastián Chamorro et al. regarding Nicaragua. Order of the President of the Inter-American Court of Human Rights of July 19, 2021. I/A Court H.R., Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua. Ratification, expansion and monitoring of provisional measures. Order of the Inter-American Court of Human Rights of September 9, 2021.

<sup>150</sup> I/A Court H.R., Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua. Ratification, expansion and monitoring of provisional measures. Order of the Inter-American Court of Human Rights of September 9, 2021.

<sup>151</sup> I/A Court H.R., Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua. Ratification, expansion and monitoring of provisional measures. Order of the Inter-American Court of Human Rights of September 9, 2021.

<sup>152</sup> Urnas Abiertas. Séptimo Informe. August 2021.

<sup>153</sup> 238/21 - La CIDH y la OACNUDH condenan criminalización, faltas al debido proceso y graves condiciones de detención de personas consideradas como opositoras en Nicaragua. Washington D.C. / Ciudad de Panamá, 10 de septiembre de 2021



134. According to information received, in bringing the charges, the State has not respected guarantees of due process or the right to a fair trial since in various cases they were brought in private and secret preliminary hearings, at premises other than the judicial courts, in early hours of the morning, and often without the presence of the legal representatives of their choice. None of the judicial decisions on habeas corpus petitions or procedural objections presented by the lawyers have been resolved in favor of the defendants,
135. Moreover, the Commission and the Court have received information on the dire detention conditions in which detainees are being held, especially women, such as constant interrogations, isolation, exposure to artificial light 24 hours a day, lack of medical care, and insufficient access to water and food. These conditions may constitute ill-treatment.
136. Given the extreme seriousness of the overt use of the penal system for electoral political purposes, the Commission strongly condemns the arbitrary detentions carried out by the State of Nicaragua. At the same time, it urges the release of the more than 30 persons arbitrarily detained as of May 2021, including the 130 persons who were deprived of their liberty since the beginning of the crisis in April 2018, over whom it has the obligation to guarantee their integrity and security. The IACHR calls on the State to immediately cease arbitrary and illegal detentions of those who are considered opponents of the government and to restore guarantees for the full enjoyment of civil and political rights.

## ***B. Cancellation of political parties' legal status***

137. The Inter-American Commission has also received information of the cancellation of the legal status of the main opposition parties in the country that would compete in the November general elections.
138. On May 19, 2021, the CSE cancelled the legal status of the Democratic Restoration Party (PRD). Allegedly that decision was taken after members of the party reported that it had entered into an alliance with organizations that defend principles inconsistent with those of the party, and therefore, they were violating its by-laws. The IACHR notes that this decision was taken precisely after the National Coalition announced an alliance with the PRD to compete in the general elections. Subsequently, on May 20, the CSE decided to cancel "ex officio" the legal status of the Conservative Party after it announced that it would not participate in the elections.
139. In addition, on August 2, 2021, deadline for the presentation and registration of candidates for the presidency and vice presidency of the Republic of Nicaragua for the November 7, 2021 elections, Daniel Ortega and Rosario Murillo formally registered their candidacies for the presidency and vice presidency,

respectively.<sup>154</sup> That same day, a Citizen for Liberty Party opposition slate succeeded in registering the candidacies of Oscar Sobalvarro for president and Berenice Quezada for vice president.<sup>155</sup>

140. However, on August 6, the Supreme Electoral Council decided to cancel the legal status of that party, which would eliminate the candidacy of the only opposition candidate who had managed to formally register for the next presidential election. In its decision, the CSE also requested the cancellation of the Nicaraguan identity card of the party's president, Kitty Monterrey. On August 8, the Ministry of Interior confirmed the cancellation of her Nicaraguan nationality, in addition to the cancellation of the identity card, birth certificate, and passport of the party's president, who holds another nationality. To this date, she allegedly remains in hiding for fear of detention and/or deportation.<sup>156</sup>
141. In that regard, the IACHR has vehemently condemned the CSE resolution, which allegedly was adopted in violation of the Nicaraguan Constitution and based on the Law Regulating Foreign Agents and Defending the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace. As the IACHR has indicated, these norms arbitrarily restrict electoral competition, the exercise of political rights, and other rights, such as freedom of expression and of association.<sup>157</sup>
142. For its part, the Inter-American Court has emphasized that opposition voices are essential in a democratic society; without them it is not possible to reach agreements that satisfy the different visions that prevail in society. Hence, in a democratic society States must guarantee the effective participation of opposition individuals, groups and political parties by means of appropriate laws, regulations and practices that enable them to have real and effective access to the different deliberative mechanisms on equal terms, but also by the adoption of the required measures to guarantee its full exercise, taking into consideration the situation of vulnerability of the members of some social groups or sectors.<sup>158</sup>

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<sup>154</sup> Telesurtv. [FSLN inscribe a candidatos para comicios generales en Nicaragua](#). August 2, 2021.

<sup>155</sup> El Mostrador. [La oposición nicaragüense registra a su primer candidato a la presidencia](#). August 2, 2021.

<sup>156</sup> IACHR. [Condena el arresto domiciliario de Berenice Quezada, candidata a la vicepresidencia de Alianza Ciudadanos por la Libertad y su inhibición para postular a cargos públicos ordenada por el Ministerio Público](#). (IACHR) Condemns the house arrest of Berenice Quezada, vice presidential candidate of the Citizens for Liberty Alliance and the prohibition of her the presentation of her candidacy ordered by the Attorney General's Office). August 3, 2021. On August 5, the Attorney General's Office reported that the charge brought against Berenice Quezada was based on acts allegedly corresponding to the crime defined as "provocation, proposal, and conspiracy to commit terrorist acts." It also indicated that the trial would be held while she was not in detention. IACHR. [IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election](#). Washington, D.C., August 11, 2021.

<sup>157</sup> IACHR. 209/21 -[IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election](#). Washington, D.C., August 11, 2021.

<sup>158</sup> IA Court HR. Case of Manuel Cepeda Vargas v. Colombia. Preliminary objections, merits, reparations and costs. Judgment of ray 26, 2010. Series C No. 213, par. 173.



143. In that regard, the IACHR notes that political rights are fundamentally important human rights within the inter-American system and are closely related to other rights declared in the American Convention, such as freedom of expression, of assembly, and of association, which together make possible the democratic process. The Commission has also referred to the necessity of guaranteeing citizens and organized political groups the right to public assembly, permitting and fomenting a broad debate about the nature of the political decisions adopted by the representatives elected by the citizens.<sup>159</sup> It also considers that to safeguard democracy, in addition to effective political participation, freedom of expression and of social protest are fundamental. In this sense, the Commission urges the State to cease repression and, in particular, to restore the legal status of political parties.

### ***C. Closure of democratic forums and persecution of the media, journalists and press workers***

144. La The Commission has repeatedly documented the situation of risk encountered by human rights defenders in Nicaragua as a result of the growing intensity of aggression, threats, harassment, intimidation, and other acts of violence against them both by pro-government groups and National Police officers. Likewise, human rights defenders and, in general, persons identified as dissidents, religious leaders, women social leaders, students, persons released from custody, victims and their families, as well as journalists and press workers are said to remain affected by acts of stigmatization and criminalization in the context of a police state and the shutdown of democratic forums prevailing in the country.<sup>160</sup>
145. Moreover, in the context of the November 2021 presidential elections, the IACHR and its Rapporteur for Freedom of Expression have noted a climate of serious deterioration of freedom of expression and free exercise of freedom of the press seen in recent years in the country. In that regard, in its annual reports, the Special Rapporteurship for Freedom of Expression has documented that a media duopoly has been consolidated in Nicaragua, which controls most of the television and radio media outlets. In fact, most of the audiovisual media outlets are under the political control of the presidential family or of an entrepreneur loyal to the government. As a result, these media outlets are partial or their journalists are impeded from carrying out their work in an independent manner. For their part, the independent media have for years faced government harassment and pressure in carrying out their work, especially since the start of the April 18, 2018 crisis.<sup>161</sup>
146. Beginning in 2018, the State implemented a set of repressive actions and measures to restrict the exercise of protest and the right to demonstrate, and to harass and

<sup>159</sup> IACHR, *Democracy and Human Rights in Venezuela*, December 30, 2009, par. 21; and *Second Report on the Situation of Human Rights in Peru*, June 2, 2000, Chapter IV, par. 1.

<sup>160</sup> IACHR, 2020 Annual Report, Chapter IV.B- Nicaragua.

<sup>161</sup> IACHR, 2018 Annual Report, Chapter IV.B-Nicaragua, par. 118.

criminalize opponents of the government regime. In particular, the IACHR and its Special Rapporteur have expressed their grave concern regarding the decision of the Police to declare illegal the protests or demonstrations of social movements, students, and organizations, as well as the decision to establish that prior authorization had to be obtained from this institution for all types of protest in public areas, in violation of the international standards that protect freedom of expression and freedom of assembly. Civil society organizations have reported that, since September 2018, demonstrations and social protests have been de facto prohibited by the National Police.<sup>162</sup>

147. Moreover, information received by the IACHR indicates that State authorities continue to reiterate the official rhetoric that stigmatizes the work of the independent press, in addition to the widespread persecution of journalists, which has materialized in the arbitrary arrests, aggression, death threats, harassment, intimidation and smear campaigns, forced displacement, and criminalization of their work.
148. The IACHR notes that the patterns of systematic repression against freedom of expression, association, and assembly have also been observed in the arbitrary cancellation of the legal status of over 50 civil society organizations in the last two years, including of several dedicated to the defense of human rights; raids and seizures of independent media outlets, and the permanent closure of some 14 community radio stations and national circulation newspapers. For example, on September 27, 2019, the arbitrary retention of [printing] paper and other necessary inputs for newspaper publication resulted in the closure of “El Nuevo Diario.”
149. This year, according to public information, at least 12 journalists of the written press, radio, television, and digital media outlets of various regions of the country have had to go into exile for fear of reprisals. In addition, as indicated above, authorities launched administrative and criminal investigations against the Violeta Barrios de Chamorro Foundation, one of the main organizations for protection of freedom of the press in the country, and the headquarters of the digital magazine Confidencial and of the television program Esta Semana, both of which are directed by Carlos Fernando Chamorro, were raided, who one month later was again forced into exile from which he had returned in late November 2019.<sup>163</sup>
150. As mentioned above, from May 28 to June 15, former director and presidential nominee candidate Cristiana Chamorro Barrios, her driver, Pedro Vásquez Cortedano, and two former staff members of the Walter Gómez Silva and Marcos Fletes Casco Foundation, all beneficiaries of precautionary measures granted by the IACHR, were arrested based on the criminal investigation against the Violeta Barrios de Chamorro Foundation for alleged money laundering related to the use of international cooperation funds, in application of Law No. 977, against Money

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<sup>162</sup> IACHR, 2018 Annual Report, Chapter IV.B-Nicaragua, par. 118.

<sup>163</sup> IACHR. 216/21 –*The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua*. Washington D.C./Panama City, August 18, 2021.



Laundrying, Terrorism Financing, and the Financing of the Proliferation of Weapons of Mass Destruction.<sup>164</sup>

151. The Attorney General's Office has also subpoenaed over 25 journalists to testify, (TBC) media workers who assisted or participated in activities of the Violeta Barrios de Chamorro Foundation, and that were threatened with criminal charges and application of the Special Cybercrime Act if they refused to "collaborate" or insisted on the presence of a defense attorney.
152. Subsequently, on June 20, Miguel Mora was arrested, owner and former director of the 100% News television channel and presidential nominee candidate. The next day, sports commentator Miguel Mendoza was arrested for his critical comments on social media.<sup>165</sup> On August 13, the National Police and the Attorney General's Office raided the facilities of the La Prensa newspaper, seized its property and, the next day, arrested its general manager, Juan Lorenzo Holmann Chamorro, for alleged customs offenses, and crimes of laundrying of money, property, and assets.<sup>166</sup>
153. As the IACHR has indicated, these repeated actions constitute serious attacks and improper restrictions of the right to freedom of expression which, in some cases, constitute acts of censorship. All this situation impacts not only the rights of journalists and media owners, but also the right of the citizenry as a whole to have access to pluralistic information. The harassment, censure, stigmatization, and official persecution of the press, and the arrests and arbitrary prosecution of the media, journalists, and organizations that defend freedom of press are inconsistent with the protection of freedom of expression and generate a general atmosphere of fear and self-censorship. Moreover, in an electoral process context, they are especially serious, and inconsistent with democracy and with Nicaragua's international human rights obligations.
154. In that regard, both the Inter-American Court and the Commission have recognized the relationship between political rights, freedom of expression, the right of assembly, and freedom of association, and that together these rights make the democratic process possible. Especially in situations of institutional breakdown, the relationship between these rights is even more evident, especially when they are exercised together to protest against the action of state powers that is inconsistent with the constitutional order, or to demand the restoration of

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<sup>164</sup> Law No. 977, against Money Laundrying, Terrorism Financing, and Financing of the Proliferation of Weapons of Mass Destruction. Published in La Gaceta No. 165, of August 19, 2019.

<sup>165</sup> In early October 2021, both remained in jail, totally incommunicado, under general allegations based on Law 1055, Defense of the Right of the People to Independence, Sovereignty, and Self-Determination for Peace, in proceedings without due process guarantees.

<sup>166</sup> Reports were also received from the workers held incommunicado during the raid and the temporary suspension of La Prensa's intranet server, impeding its web page publication. On August 12, that same newspaper had reported that the withholding of printing paper by the customs authority for over 20 days had forced it to stop the publication of its print edition and to continue only with its digital edition. IACHR. 216/21 –The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua. Washington D.C./Panama City, August 18, 2021.

democracy. As the Inter-American Court has held, “the lack of an effective guarantee of freedom of expression weakens the democratic system and undermines pluralism and tolerance; that the mechanisms of citizen control and denunciation may become inoperative and, ultimately, this creates fertile ground for authoritarian systems to take root.”<sup>167</sup> The IACHR urges the State of Nicaragua to restore the legal status of civil society organizations, as well as to cease the repression against the media, human rights organizations and individuals considered to be members of the opposition.

#### ***D. Laws restricting rights and freedoms aimed at closing democratic spaces***

155. The IACHR notes that from 2018 to 2021, the official majority in the National Assembly has facilitated the streamlined enactment of a group of laws and legal reforms that disproportionately restrict or limit the rights and liberties of the Nicaraguan population and the opposition’s party’s participation in the November 2021 general elections. Together, these laws form part of a repressive apparatus that facilitates the concentration of power in the executive branch through the use of force, manipulation of criminal law, and the silencing of dissidence in the country.

##### **1. Law No. 977, against Money Laundering, Terrorism Financing, and the Financing of the Proliferation of Weapons of Mass Destruction (enacted in July 2018).**

156. This legal text indicates that its aim is to “protect the national economy and the integrity of the financial system from risks associated with money laundering, terrorism financing, and the financing of the proliferation of weapons of mass destruction.” Pursuant to it, Articles 394 and 395 of the Code of Penal Procedure were amended, on the crimes of terrorism and terrorism financing, respectively.<sup>168</sup> In that regard, in its final report, GIEI-Nicaragua indicated that this “law was enacted in the midst of the violence and was turned into an instrument facilitating the criminalization of dissidents.”<sup>169</sup> For its part, the IACHR, called on the judiciary to better scrutinize charges brought for terrorism, especially because one element

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<sup>167</sup> IA Court HR. Case of San Miguel Sosa et al. v. Venezuela. Merits, reparations and costs. Judgment of February 8, 2018. Series C No. 348, par. 154.

<sup>168</sup> Law No. 977, against Money Laundering, Terrorism Financing, and the Financing of the Proliferation of Weapons of Mass Destruction. Published in La Gaceta, Diario Oficial No. 165, of August 19, 2019 (Text amended pursuant to Law No. 1000).

<sup>169</sup> GIEI, Report on the violent events that took place in Nicaragua between April 18th and May 30th December 21, p. 60.

of the definition of the crime, “disruption of the constitutional order,” was highly subjective and not part of international practice in combating terrorism.<sup>170</sup>

## 2. Law No. 1040, on the Regulation of Foreign Agents (October 2020)

157. This law establishes an obligation for natural and legal persons that receive funds directly or indirectly from foreign governments, agencies, foundations, companies, and/or associations to register as “foreign agents.” This entails an obligation to present reports and establishes the impossibility of intervening in internal political matters and of “being civil servants, public employees, or candidates for public office.” It also provides for the possibility of establishing, in the event of non-compliance, fines, cancellation of legal status, criminal liability for the commission of crimes against State security, and even the requisitioning of moveable and immovable property and the prohibition of activities.<sup>171</sup>
158. Prior to its enactment, the Commission noted that the draft law would gravely impact the work of Nicaraguan organizations that were receiving foreign funding or support to pursue their ends, such as social promotion and development and the protection of human right, and called on the State to prevent its enactment.<sup>172</sup> Since its enactment, the IACHR has repeatedly requested the Nicaraguan State to repeal it since, on the excuse of branding as a “foreign agent” any natural or legal person that was a beneficiary of international cooperation or maintained international cooperation ties, it could silence persons and organizations identified as dissidents and prevent any exercise of public freedoms, such as freedom of expression, association, of participation in public affairs, and the right to protest and to defend rights.<sup>173</sup>

## 3. Law No. 1042, on Cybercrime (October 2020)

159. Its aim is to prevent, investigate, prosecute, and punish crimes committed by natural or legal persons using information and communications technologies, and the integral protection of systems that use those technologies, their content, and

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<sup>170</sup> IACHR. [210/18 – Rapporteur on the Rights of People Deprived of Liberty Visits a Nicaragua](#). Washington, D.C., September 26, 2018.

<sup>171</sup> [Law No. 1040](#), on Regulation of Foreign Agents. Published in La Gaceta, Diario Oficial No. 192, of October 19, 2020.

<sup>172</sup> IACHR. [R246/20 - The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua](#). Washington, D.C., October 7, 2020. IACHR. [249/20 - The IACHR Calls for Persecution of People Identified as Dissidents to End and for Democratic Guarantees to be Reestablished in Nicaragua](#). Washington, D.C., October 10, 2020.

<sup>173</sup> IACHR. [43/21 - The IACHR Rejects Nicaragua’s Foreign Agents Act and Calls on the State to Repeal It](#). Washington, D.C., February 26, 2021. See also [letter sent by United Nations Rapporteurs and the IACHR](#)

any of their components, and to establish prison sentences and fines for various behaviors related to the use of digital media, among them, publishing or disseminating "false and/or misrepresented information that causes alarm, fear, or anxiety in the population ..." <sup>174</sup>.

160. As they had for the law on foreign agents, the Commission and its Special Rapporteur for Freedom of Expression indicated that that legislation seriously threatened the exercise of freedom of expression, imposed fiscal sanctions against the media, and [facilitated] judicial harassment of journalists. <sup>175</sup>

#### **4. Law No. 1055, on Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace (December 2020)**

161. In its first article, the law establishes that the following are "Traitors to the Fatherland": Nicaraguans who lead or finance a coup d'état, disrupt the constitutional order, promote or encourage terrorist acts, carry out acts that undermine independence, sovereignty, and self-determination, incite foreign influence in domestic affairs, request military interventions, [organizations that] are organized with funding from foreign powers to carry out terrorist and destabilization acts, who propose and manage economic, commercial, and financial operation blockades against the country and its institutions, who demand, commend, and applaud sanctions imposed on the State of Nicaragua and its citizens, and all those who do harm to the highest interests of the nation set forth in the law." The law stipulates that those so categorized may not run for popularly elected office, without prejudice to the corresponding criminal actions established in the Code of Penal Procedure for the acts of treason, crimes that compromise the peace, and crimes against the Constitution. <sup>176</sup>
162. The Commission and the OHCHR have indicated that Law No. 1055 contains provisions that violate regional and international human rights norms and standards. <sup>177</sup> Specifically, the Commission has repudiated its enactment because it disproportionately restricts political rights declared in the American Convention, especially because the grounds for depriving people of the right to run for office

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<sup>174</sup> Law No. 1042, Special Cybercrimes Act. Published in La Gaceta, Diario Oficial No. 201, of October 30, 2020.

<sup>175</sup> IACHR. R246/20 - The IACHR and its Office of the Special Rapporteur for Freedom of Expression express concern about new legal threats to freedom of expression and indirect measures against the media and journalists in Nicaragua. Washington, D.C., October 7, 2020. See also [letter sent by United Nations Rapporteurs and the IACHR](#)

<sup>176</sup> Law No. 1055, On Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace. Published in La Gaceta, Diario Oficial No. 237, of December 22, 2020.

<sup>177</sup> IACHR. 145/21 - IACHR and OHCHR Categorically Condemn Criminal Prosecution of Presidential Precandidates and Urge State of Nicaragua to Release Them Immediately. Washington, D.C., June 9, 2021



set out in the law are broadly defined but do not specify the procedures to be followed nor the authorities that are to decide them.<sup>178</sup>

## 5. Law No. 1060, Reforming and Supplementing the Code of Penal Procedure (February 2021)<sup>179</sup>

163. Regarding this reform, the OHCHR has indicated that allowing up to 90 days for judicial review of detention violated the Constitution and the international standards, and that it allows the government to detain people before investigating them, rather than requiring the government to investigate people first before deciding whether there are grounds to detain them. It also indicated that the reform undermined the presumption of innocence and the right to know without delay and in detail what one is accused of [and] puts in jeopardy the integrity and security of so-called “judicial detainees,” who will remain in custody without effective review.<sup>180</sup>

## 6. Law No. 1070, Reforming and Supplementing the Electoral Law (May 2021)

164. On May 4, 2021, the National Assembly elected the new magistrates to make up the Supreme Electoral Council, and their respective alternates. According to public information, those designated are government party allies, elected without the consultation process for which Article 138.9 of the Nicaraguan Constitution provides, which could impact CSE independence and impartiality.<sup>181</sup>
165. In the same session, the National Assembly enacted Law No. 1070, “Law Reforming and Supplementing Law 331, Electoral Law.”<sup>182</sup> This reform, far from broadening democratic participation and ensuring the holding of free, fair, competitive, observed, and legitimate elections, for the most part led to the reform of the existing system and incorporated rules restricting electoral competition and the exercise of political rights.
166. Firstly, in fact, the law limits participation by establishing additional grounds for suspending and cancelling the legal status of political parties and incorporating

<sup>178</sup> IACHR. [3/21 - IACHR Rejects Passing of Law Restricting Political Rights in Nicaragua](#). Washington, D.C., January 6, 2021.

<sup>179</sup> [Law No. 1060](#). Law Reforming and Supplementing Law No. 406, Code of Penal Procedure of the Republic of Nicaragua. Published in La Gaceta, Diario Oficial No. 25, February 5, 2021.

<sup>180</sup> OHCHR. [Nicaragua, Amendment to Code of Criminal Procedure](#). February 3, 2021.

<sup>181</sup> CNN, [Juramentan a nuevos magistrados del Consejo Supremo Electoral](#), May 6, 2021; El Confidencial, [Parlamento abre las puertas a un nuevo fraude electoral del FSLN](#), May 4, 2021.

<sup>182</sup> [Law No. 1070](#). Reforming and Supplementing Law No. 331, Electoral Law. Published in La Gaceta, Diario Oficial No. 81, of May 5, 2021.

excessively broad and ambiguous grounds for cancellation, some of which correspond to the official rhetoric by which persons branded as dissidents have been arbitrarily and unlawfully criminalized. Additionally, said reform implements Laws No. 1040, on Foreign Agents, and Law No. 1055, on Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, which would arbitrarily impede the registration of candidacies of dissidents.

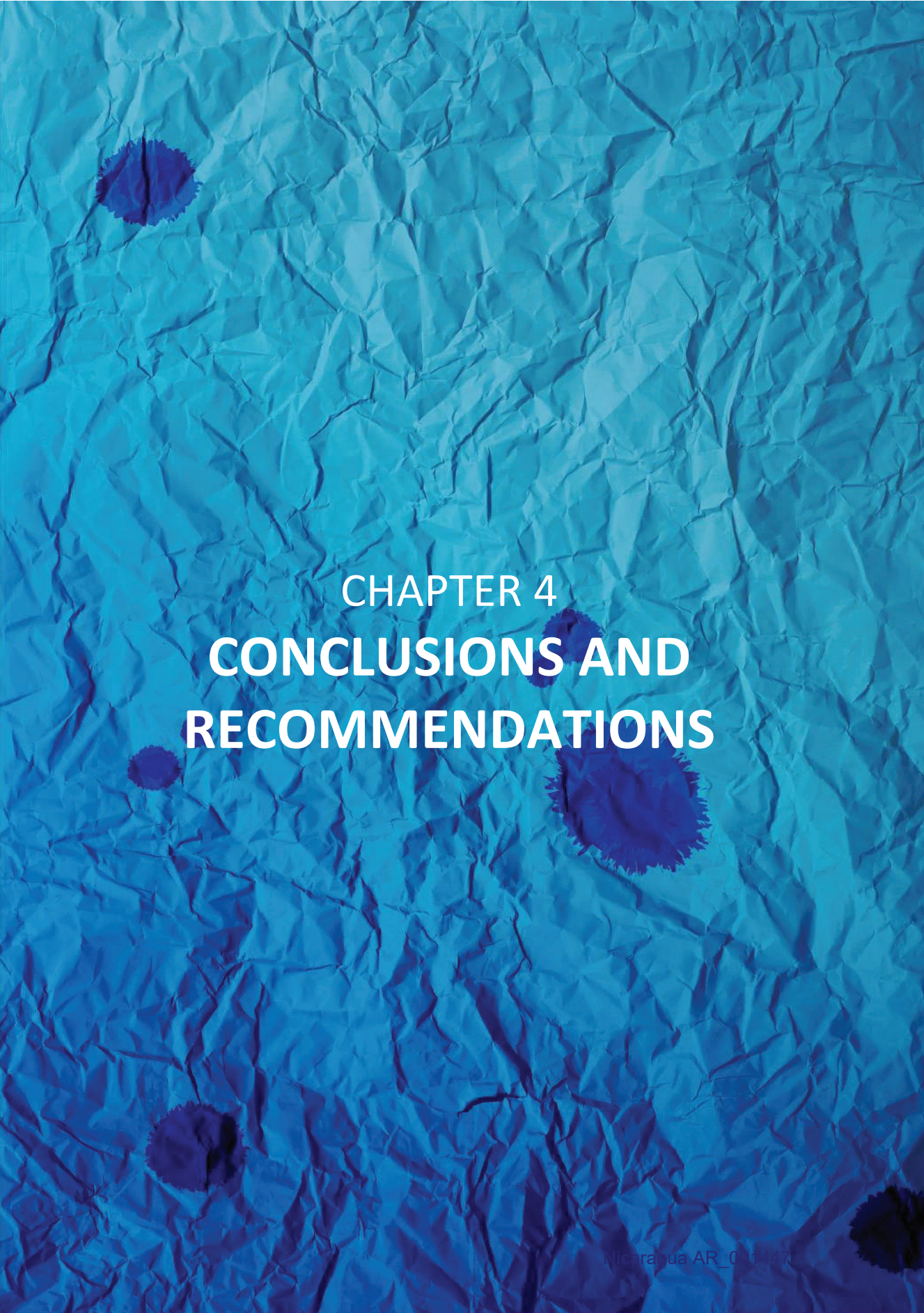
167. In that regard, by press release of May 6, the OAS General Secretariat also expressed concern over both the election of magistrates who will make up the Supreme Electoral Council, and the enactment of electoral reforms, considering that they “go against the principles and recommendations carried out by the international community, including the OAS Electoral Observation Mission [EOM/OAS] in 2017, and resolutions of the Permanent Council and the General Assembly of the Organization.” According to the statement, the election of magistrates and the enactment of these reforms “clearly give the official party an absolute advantage in controlling electoral administration and justice, eliminating the necessary guarantees and minimal institutional credibility for the development of a free and fair electoral process in November 2021.”<sup>183</sup>
168. The IACHR notes that, according to available information, the group of laws and reforms issued since 2018 are part of a strategy of intensification of repression against any actor who opposes the official rhetoric. Especially in a context of lack of independence and arbitrary and unlawful action by the administrative and judicial bodies, these norms have been used to inhibit public debate and democratic participation, especially in a period of national elections to fill the State’s top offices. They have also had an inhibitory effect on freedom of expression, criminalizing those identified as political dissidents, dismantling civil society organizations and the media, and keeping dissidents in custody in dire conditions of detention. Of concern are these norms emanating from a Legislative Branch that seeks to close the democratic representativeness that constitutes the basis of a democratic state under the rule of law.
169. The Commission has also expressed concern regarding the perpetuation by the National Assembly of rhetoric regarding a “failed coup d’état in Nicaragua,” ignoring the vast majority of victims of the events in the country since April 18, 2018, and, of course, casting doubt on the autonomous operation of that body vis-à-vis the executive branch.
170. As may be seen from the events described in this report, the general elections scheduled for November 2021, are taking place in this climate of repression and closure of democratic forums in the country. The aim is indefinite perpetuation in power and the maintenance of privileges and immunities in a context of repression, corruption, electoral fraud, and structural impunity.

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<sup>183</sup> [Statement from the General Secretariat on the Election of CSE Magistrates and Electoral Reform in Nicaragua](#). May 6, 2021

171. The IACHR emphasizes that, in this context, the major challenge faced by the Nicaraguan State is a quest with civil society participation for blueprints for the restoration of democratic guarantees and freedoms characteristic of the democratic rule of law through the separation of powers, and to guarantee the conditions for the holding of fair, free, and transparent elections.





## CHAPTER 4 **CONCLUSIONS AND RECOMMENDATIONS**



## CONCLUSIONS AND RECOMMENDATIONS

172. As noted in the report, a gradual process of concentration of power and a progressive weakening of democratic institutions has been operating in Nicaragua, which intensified in 2007 when Daniel Ortega assumed his second term as President of the Republic, and which has been consolidated since the human rights crisis that began in April 2018.
173. This process was made possible through a series of measures adopted to allow presidential reelection and the concentration of the highest political power in the Executive Branch, with the assistance of different state institutions, from the General Assembly, the institutions of the Judicial Branch such as the Supreme Court of Justice, the Supreme Electoral Council, the Office of the Attorney General of the Republic, and the security forces, by persons appointed because they are akin to the governing party or its allies in the pact, and by the lack of independent and impartial control bodies. The IACHR reiterates that the concentration of power has facilitated Nicaragua's transformation into a police state in which the executive branch has instituted a regime of terror and of suppression of all freedoms through control and surveillance of the citizenry and repression by state and parastate security institutions supported by the other branches of government.
174. Through this process of concentration of power, in Nicaragua the principle of separation of powers governing democratic rule of law was subverted. As may be seen from the events described in this report, the different State functions do not correspond to separate and independent bodies whose powers are balanced. All powers are aligned with and directed by the Executive branch, so that they do not provide limits on the exercise of power or prevent arbitrariness; on the contrary, they facilitate or consolidate it.
175. The Inter-American Commission notes with extreme concern that the general elections scheduled for November 2021 are taking place in this climate of repression and closure of the country's democratic forums, in which, in an unusual manner, all persons who publicly expressed their interest in participating as candidates in the elections were arbitrarily detained and remain detained. The concentration of power has enabled the President to issue a group of laws and reforms used to repress, persecute, censure, ensure privileges, and ultimately, to end opposition in the upcoming November 2021 elections in order to perpetuate himself in power indefinitely and maintain his privileges and immunities, in a context of corruption, electoral fraud, and structural impunity for serious human rights violations that may even be classified as crimes against humanity<sup>184</sup>. The

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<sup>184</sup> GIEI, Nicaragua, Report on the violent events that took place in Nicaragua between April 18th and May 30th, 21 December 2018.

above conditions make a full and free electoral process unviable, which is detrimental to the exercise of the population's political rights.

176. The IACHR considers that democratic rule of law, as a form of political power organization, is governed by, among other fundamental principles, the principle of separation of powers. It presupposes that the different state functions correspond to separate and independent bodies whose powers are balanced so as to create the limits necessary on the exercise of power and prevent arbitrariness. The IACHR notes that the Inter-American Juridical Committee (CJI/RES. 159. (LXXV-O/09) established that democracy “does not consist only in electoral processes, but also in the legitimate exercise of power within the framework of the rule of law, which includes respect for the essential elements, components and attributes of democracy.”<sup>185</sup>
177. In this regard, in accordance with the provisions of Article 3 of the Inter-American Democratic Charter, “essential elements of representative democracy include, among others, respect for human rights and fundamental freedoms; access to power and its exercise subject to the rule of law; the holding of periodic, free, fair elections based on universal and secret suffrage as an expression of the sovereignty of the people; the pluralistic system of political parties and organizations; and the separation and independence of the branches of government”.
178. As has been recognized in inter-American jurisprudence, the IACHR recalls that “the greatest current danger facing the region's democracies is not the abrupt breakdown of the constitutional order, but the gradual erosion of democratic safeguards that can lead to an authoritarian regime, even if it is popularly elected.”<sup>186</sup>
179. In consideration of the foregoing analysis of the concentration of power, the undermining of the rule of law and the human rights situation in the context of the elections to be held in November 2021, and based on the powers conferred by Article 41.b of the American Convention on Human Rights, the Inter-American Commission on Human Rights makes the following recommendations to the State of Nicaragua:
  1. Adopt the necessary measures to overcome the human rights crisis through the reestablishment of democratic institutions, the full rule of law and fundamental freedoms, including freedom of expression.
  2. Guarantee the necessary conditions to ensure the holding of free, fair and transparent elections, in accordance with the Inter-American standards on the matter enshrined, among other instruments, in the Inter-American Democratic Charter as well as with the recommendations made by the

<sup>185</sup> IA Court HR. Advisory Opinion OC-28/21. [Presidential Reelection without Term Limits in Presidential Systems in the Context of the Inter-American Human Rights System](#). June 7, 2021.

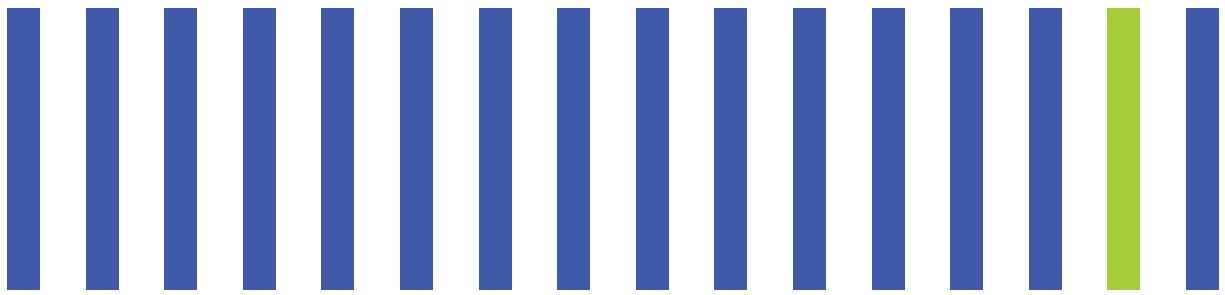
<sup>186</sup> IA Court HR. Advisory Opinion OC-28/21. [Presidential Reelection without Term Limits in Presidential Systems in the Context of the Inter-American Human Rights System](#). June 7, 2021

international community, including those formulated by the OAS Electoral Observation Mission (OAS/EOM) in 2017; and the resolutions of the Permanent Council and the General Assembly of the Organization of American States.

3. Promote and sustain an effective, legitimate and inclusive dialogue with civil society. To this end, the State should create the conditions necessary to assist in promoting public confidence through the cessation of repression, acknowledgement of the events that occurred, and fulfillment of its international obligations in the matters of truth, justice, and reparation.
4. Release all those detained in the context of the crisis precipitated in 2018, including the presidential nominee candidates, those deemed dissidents, and the human rights defenders arrested in 2021.
5. Restore the legal status of civil society organizations and end the repression of the media, human rights defenders, and persons deemed dissidents.
6. Institute proceedings that promote truth, justice, and reparation for the victims of the serious crisis existing in the country.
7. End the impunity surrounding the human rights violations since the start of the crisis in 2018.
8. Repeal and/or adjust the laws enacted in this context so that they conform to the standards of international human rights law. In particular, Law No. 1040 on foreign agents; Law No. 1042 on cybercrime; and Laws No. 1055 and No. 1060, reforming and supplementing the Code of Penal Procedure.

Likewise, the Inter-American Commission recommends to the OAS Member States and the international community in general, to:

9. Demand that the State hold free, fair, and transparent elections in conformity with the recommendations of the international community, the 2017 OAS Electoral Observation Mission (EOM/OAS), and the resolutions of the Permanent Council and of the General Assembly of the Organization of American States.
10. Demand that the Nicaraguan State immediately end the repression and arbitrary arrests, and all other human rights violations now perpetrated.



# chapter

# IV.b

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## Nicaragua

## CHAPTER IV. B

### NICARAGUA

#### I. INTRODUCTION

1. In the framework of its treaty-based and statutory mandate, the Inter-American Commission on Human Rights (“the Commission,” “the Inter-American Commission,” or “the IACHR”) has followed, with special attention, the progressive deterioration of the human rights situation and rule of law in Nicaragua.

2. As widely documented by the IACHR, the state’s violent response to the social protests that started on April 18, 2018, triggered a serious political, social, and human rights crisis in Nicaragua, which three years later continues to spread even further owing to, among other factors, the de facto installation of a status of exception in the country, as well as the long standing undermining of democratic institutions because of the concentration of power in the executive branch, the absence of independence of the judiciary and the Attorney General’s Office, and the perception that the National Assembly is operating in full alignment with the executive branch. At the same time, the Nicaraguan population continues to be impacted by the installation of a police state which makes it possible for coordination between the National Police and groups of government supporters to assault, patrol, threaten, and harass any person who is identified as an opponent of the current government.

3. As a result of these factors, more than three years after the beginning of social protests in April 18, 2018, the IACHR observes that there still is a context of widespread impunity with respect to the gross human rights violations committed in the framework of the state repression, which has led to the death of 355 persons, more than 2,000 persons injured, more than 1,614 persons detained, hundreds of health professionals arbitrarily dismissed, and more than 150 university students unjustifiably expelled. According to data recorded by UNHCR, more than 110,000 persons have been forced to flee Nicaragua and seek asylum because of persecution and human rights violations.<sup>1</sup>

4. In view of the continuation of the serious human rights crisis and the drastic deterioration of the country’s democratic institutions, the general elections held on November 7, 2021 represented for Nicaraguan society the possibility of beginning a transitional period to restore the rule of law and democracy, as well as guaranteeing the right to memory, truth, and access to justice for the victims of state violence. Since early 2021, however, the IACHR has observed the escalation of a new stage of repression, characterized by a series of state actions leading to the elimination of the opposition’s participation in the elections even before they were held. In particular, through the Special Monitoring Mechanism for Nicaragua (MESENI), the IACHR received distressing information about the removal of the legal status of political parties of the opposition, the detention and criminalization of leaders, including persons who had presented their preliminary candidacy to run for president, the enactment and enforcement of criminal laws with ambiguous wording that arbitrarily restricts the political rights of the Nicaraguan population, and amendments to the electoral law contrary to international human rights law.

5. In the framework of its report “Concentration of power and the undermining of the Rule of Law,” published in October 2021, the IACHR observed that the climate of repression, the closing down of democratic forums in the country and incidents described, such as the arbitrary detention of all persons who

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<sup>1</sup> UNHCR, [Nicaragua Situation Operational Update, January – June 2021](#), August 31, 2021.



publicly declared their interest in running in the elections as candidates, highlighted the will of the current government to stay in power indefinitely, as well as to safeguard its privileges and immunities, in a context of corruption, electoral fraud, and structural impunity. For that reason, the IACHR made the following recommendation to the Nicaraguan state: “Guarantee the necessary conditions to ensure the holding of free, fair and transparent elections, in accordance with the Inter-American standards on the matter enshrined, among other instruments, in the Inter-American Democratic Charter as well as with the recommendations made by the international community, including those formulated by the OAS Electoral Observation Mission (OAS/EOM) in 2017; and the resolutions of the Permanent Council and the General Assembly of the Organization of American States.”<sup>2</sup>

6. On October 4, 2021, the Permanent Council of the Organization of American States (OAS) urged the Nicaraguan state to enforce the principles of the Inter-American Charter, as well as all internationally recognized standards, including the electoral reforms agreed upon to hold free, fair, and transparent elections, as soon as possible under OAS observation and other credible international observation.<sup>3</sup> As for the IACHR and the Regional Office of the United Nations High Commissioner for Human Rights (OHCHR) for Central America and the Dominican Republic, four days before the elections, they once again condemned the absence of guarantees for rights and freedoms and urged the state to restore them, as well as to dismantle the obstacles to full participation of all persons in the electoral process, in compliance with its international human rights obligations.<sup>4</sup>

7. Despite the above, on November 7, 2021, the IACHR observed that the general elections were taking place in a human rights violations context as a result of the rise in incidents of harassment, forcible entries and searches, threats, and arbitrary detentions targeting leaders of the opposition, human rights activists, members of civil society organizations, and journalists. As reported, between November 5 and 7, more than 23 persons had been arbitrarily detained in nine of the country’s departments.<sup>5</sup>

8. On November 8, 2021, the Supreme Electoral Council (*Consejo Supremo Electoral—CSE*) announced that, with more than 97% of the ballots counted, the incumbent President Daniel Ortega of the political party Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional—FSLN*) was declared elected for his fourth consecutive term of office, winning 75.92% of the votes. As for civil society organizations, they indicated that the average rate of absenteeism was as high as 80%.<sup>6</sup>

9. Regarding this, the IACHR took note of the report published on November 8 by the OAS Department of Electoral Cooperation and Observation (DECO), which pointed out that the electoral process did not meet any of the basic standards for democracy as described in the Inter-American Democratic Charter, nor did it provide any of the minimum guarantees to hold credible elections. Said report also pointed out that the state “was not only unable to undertake any electoral reforms that would make it possible to have a process

<sup>2</sup> IACHR. [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Concentration of power and undermining the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 122 and Recommendation No. 2.

<sup>3</sup> OAS. Resolution [La Situación en Nicaragua](#) The Situation in Nicaragua adopted by the OAS Permanent Council at its virtual regular meeting held on October 20, 2021.

<sup>4</sup> IACHR. Press release No. [300/21 - La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#). [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua], Washington, D.C., November 10, 2021.

<sup>5</sup> IACHR. Press release No. [300/21 - La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#). [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua], Washington, D.C., November 10, 2021.

<sup>6</sup> *BBC News*. [Elecciones en Nicaragua: el recuento en Nicaragua da a Ortega una aplastante victoria en unas elecciones que EE.UU. califica de "pantomima"](#) [Elections in Nicaragua: the recount in Nicaragua gives Ortega an overwhelming victory in elections that the USA has called a ‘pantomime’], November 8, 2021; and *France 24*. [Nicaragua: Daniel Ortega es reelegido con 75 % de los votos tras unos comicios sin oposición](#) [Nicaragua: Daniel Ortega reelected with 75% of votes after elections with no opposition], November 8, 2021.

with basic conditions, but also, over the past year, engaged in a process to eliminate any real competition and any capacity for the political opposition to participate in the electoral race with minimum guarantees.”<sup>7</sup>

10. According to public information, about 50 countries voiced their rejection of and repudiated the election, labelling the process as illegitimate and highlighting the absence of conditions for holding free, transparent, and fair elections in Nicaragua. Four states, however, did expressly recognize the results of the elections.<sup>8</sup> Among others, the IACHR was apprised of the Declaration by the High Representative on behalf of the European Union, who pointed out that elections held in Nicaragua on November 7 took place “without democratic guarantees and their results lack legitimacy. Daniel Ortega has eliminated all credible electoral competition, depriving the Nicaraguan people of their right to freely elect their representatives. The integrity of the electoral process was crushed by the systematic incarceration, harassment and intimidation of presidential pre-candidates, opposition leaders, student and rural leaders, journalists, human rights defenders and business representatives.”<sup>9</sup>

11. Finally, the IACHR observed that, on November 12, 2021, the OAS General Assembly declared that “the elections on November 7 in Nicaragua were not free, fair or transparent and have no democratic legitimacy.” It also concluded that, “based on the principles set out in the Charter of the OAS and the Inter-American Democratic Charter, democratic institutions in Nicaragua have been seriously undermined by the Government.”<sup>10</sup>

12. After assessing the human rights situation in Nicaragua in 2021 as described in the paragraphs above, the IACHR decided to include Nicaragua into Chapter IV.B because it deemed that it comes under subparagraphs 6(a)(i), 6(b), and 6(c) of Article 59 of its Rules of Procedure, which set forth the following criteria for inclusion of a member state in this chapter:

a. a serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including: i. there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;

[...].

b. The free exercise of the rights guaranteed in the American Declaration or the American Convention has been unlawfully suspended, totally or partially, by virtue of the imposition of exceptional measures such as a declaration of a state of emergency, state of siege, suspension of constitutional guarantees, or exceptional security measures.

c. The State has committed or is committing massive, serious and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.

<sup>7</sup> OAS. Departament for Electoral Cooperation and Observation (DECO), Report Nicaragua, November 8, 2021. In archive of the IACHR.

<sup>8</sup> *La Prensa*. [Así te contamos el rechazo de la comunidad internacional al proceso electoral en Nicaragua](#) [That is how we tell you about the international community's rejection of the electoral process in Nicaragua], November 8, 2021; *BBC Centroamérica*. [Elecciones en Nicaragua: qué países reconocen la reelección de Daniel Ortega \(y cuáles la rechazan\)](#) [Elections in Nicaragua: which countries recognize Daniel Ortega's reelection (and which reject it)], November 9, 2021; and *Voz de América*, [Elecciones en Nicaragua: respaldo y rechazo desde la comunidad internacional](#) [Elections in Nicaragua: endorsement and rejection by the international community], November 8, 2021.

<sup>9</sup> Council of the European Union. “[Nicaragua: declaración del Alto Representante en nombre de la Unión Europea](#)” [Nicaragua: Declaration by the High Representative on behalf of the European Union], November 8, 2021.

<sup>10</sup> OAS. “The Situation in Nicaragua,” adopted by the OAS General Assembly on November 12, 2021.

13. Furthermore, over the present year, the IACHR has noted the rise in actions of harassment against persons identified as opponents of the government in the framework of the elections held in November 2021. The IACHR also voiced its concern over repression of peasant and student sectors, which played a leading role in the protests that started on April 18, 2018 and in the national dialogue also in 2018, as well as the persistence of human rights violations. As a result of this new stage of the repressions, more than 30 persons were detained in the months from May to August 2021, among whom important social leaders, human rights defenders, and journalists. In most cases, it also noted distortions in enforcing criminal law, the lack of independence of the justice system, patterns of violations of due process of law and the right of detainees to a defense, and the complete ineffectiveness of habeas corpus motions.

14. Furthermore, the Inter-American Commission and its Special Rapporteurship for Freedom of Expression (RFOE) note that the situation in connection with the right to freedom of expression in Nicaragua continued to deteriorate at a fast pace this year, owing to persistent statements made by the state's highest officials smearing independent media; arbitrary detentions and court proceedings filed against journalists and persons voicing their criticism without any guarantee of due process of law; constraints on social protest; the impossibility for the media to provide news coverage of government events; the absence of active transparency by the state; and restrictions on the freedom of expression on online platforms. In short, the IACHR and its Special Rapporteurship observed that, at present, there is no guarantee whatsoever to exercise the right to freedom of expression in the country.

15. As for the IACHR and its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (SRESCER), they voiced their concern over the ongoing negligence in handling the COVID-19 pandemic and its impact on the health of the Nicaraguan population. The Commission and its Special Rapporteurships also noted the serious situation of health staff because of further escalation of the persecution, harassment, and attacks against them, as well as intimidation practices, involving the use of criminal, labor, or administrative law to undermine them, aimed at silencing them or instilling fear in members of the medical and health sector who are identified as opponents of the government.<sup>11</sup>

16. This year, the IACHR observed that the indigenous and Afrodescendant communities of Nicaragua's Caribbean Coast continue to encounter widespread violence as a result of colonizers and third parties encroaching on their ancestral territories, who are acting with the tacit acquiescence and tolerance of the state and impetus given to them by the private sector.<sup>12</sup> Because of these events, in 2021, there were at least 13 indigenous persons who had been killed and 8 seriously injured.<sup>13</sup>

17. In the period under review, the IACHR observed the harsh detention conditions in which persons deprived of their liberty are living in the context of the protests that started in 2018, in particular more than 30 detainees who are staying in Chipote. Among other incidents, the IACHR received reports about cruel

<sup>11</sup> IACHR. Press release No. 309/21 - [La CIDH y la REDESCA expresan su alarma por la escasez de información pública sobre la pandemia en Nicaragua, y exhortan al Estado a la implementación de medidas de prevención de la salud urgentes con sustento científico y con enfoque de derechos humanos](#). [IACHR and SRESCER express alarm at scarcity of public information on pandemic in Nicaragua and urge state to implement urgent science-based preventive health measures with a human rights approach], Washington, D.C., November 17, 2021.

<sup>12</sup> In connection with the attacks of 2021, the IACHR received the following report: CALPI, [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Violations of the Human Rights of the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021. Additional information was also forwarded by civil society sectors in September 2021. Witness statements were also gathered during the Thematic Hearing at the 179 period of sessions "Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua."

<sup>13</sup> CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Violations of the Human Rights of the Miskitu and Mayangna Indigenous Peoples in the Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, pp. 15 and 16; additional information provided by civil society to the IACHR, September 28, 2021, pp. 9 and 10.

and inhumane treatment, the enforcement of solitary confinement without impartial criteria, and constant interrogations throughout the day. In that context, the IACHR is deeply concerned about the situation of isolation in punishment cells and solitary confinement in which the dissident leaders Dora María Téllez, Tamara Dávila, Ana Margarita Vijil, and Suyén Brahona have remained for more than 159 days. All of them are founders or members of the UNAMOS political party, formerly called the Sandinista Renewal Movement (*Movimiento Renovador Sandinista—MRS*), and also beneficiaries of provisional measures granted to them by the Inter-American Court of Human Rights.

18. Because of the above-mentioned conditions, the Inter-American Commission deemed that the situation in Nicaragua also meets the criteria laid out in subparagraphs 6(d)(i), 6(d)(ii), and 6(d)(iii) of Article 59 of its Rules of Procedure, namely:

d. The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments. Factors to be considered shall include the following, among others:

i. serious institutional crises that infringe the enjoyment of human rights;

ii. systematic noncompliance of the State with its obligation to combat impunity, attributable to a manifest lack of will;

iii. serious omissions in the adoption of the necessary measures to make fundamental rights effective, or in complying with the decisions of the Commission and the Inter-American Court;

19. To include Nicaragua in the present chapter, the IACHR took into consideration the absence of the Nicaraguan state's declared wish to surmount the social, political, and human rights crisis affecting the country. In particular, from the state's highest authorities there continues to be a narrative denying human rights violations while smearing the voices of dissidents and opponents. For example, the IACHR expressed its concern over the speech made by the President on a nationwide broadcast on November 8, in which he makes offensive and intimidating remarks about persons deprived of their liberty in the context of the elections, indicating that, because of their actions, they should no longer be considered Nicaraguan nationals and should be sent to another country.<sup>14</sup>

20. Likewise, the Inter-American Commission considered the Order of 22 November 2021, adopted by the Inter-American Court under the *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua*. In this order, the IACHR stated that the State's manifestation of non-acceptance and rejection of the Provisional Measures adopted by said tribunal, as well as the effective non-compliance with the decisions contained in its Orders concerning persons deprived of liberty in Nicaragua who were identified as opponents of the current Government, "maintain all the beneficiaries in a state of unprotection and entails, necessarily, a serious non-compliance with the provisions of Article 63. 2 of the American Convention, whose fundamental purpose is the protection and effective preservation of the life, freedom and personal integrity of the beneficiaries; as well as the contempt to the orders of this Court". For this reason, and in accordance with the provisions of Article 65 of the American Convention, the court determined to subject the contempt of the State of Nicaragua to the consideration of the OAS General Assembly.<sup>15</sup>

<sup>14</sup> *El Financiero*. [Daniel Ortega llama "hijos de perra" a opositores presos y familias acusan discurso de odio](#) [Daniel Ortega calls dissident prisoners 'sons of bitches' and families accuse him of hate speech], November 9, 2021; and *La Prensa*. [Ortega arremete contra opositores en su discurso el día de la votación](#) [Ortega lashes out against dissidents in his speech on election day], November 8, 2021.

<sup>15</sup> I/A Court H.R. [Asunto Juan Sebastián Chamorro y otros respecto de Nicaragua. Medidas Provisionales](#) [Case of Juan Sebastián Chamorro et al. v. Nicaragua: Provisional Measures]. Order of the Inter-American Court of Human Rights of November 22, 2021 (Independent translation by the IACHR; available in Spanish only)

21. In this context, the Inter-American Commission is especially concerned over the Nicaraguan state's decision to denounce the Charter of the Organization of American States (OAS Charter), via a communication dated November 18, 2021, addressed to the General Secretariat of the OAS.<sup>16</sup> Regarding this, the Commission deplored the consequences of said decision for the restoration of democracy, the rule of law, and the full respect for human rights in line with the objectives being pursued by the OAS. At the same time, it called upon Nicaragua to reconsider its decision and urged the member states of the OAS and/or the Organization's policymaking bodies to engage, in good faith, in a genuine dialogue to fulfill their human rights obligations.<sup>17</sup>

22. The IACHR stressed that the state of Nicaragua is required to comply with all international instruments to which it is a party. As a result, it reaffirms its competence with respect to the state of Nicaragua and shall continue to exercise its monitoring mandates through the MESENI, which includes follow-up on compliance with the recommendations made in its diverse mechanisms, the analysis and processing of cases and petitions, the monitoring of its recommendations made in its merits reports, and the active review and supervision of compliance with the precautionary measures that are currently in force.<sup>18</sup>

23. According to what is set forth in Article 59(5) of its Rules of Procedure, for the drafting of the present report and for the purpose of monitoring the human rights situation in Nicaragua, the Commission has resorted to different mechanisms and tools, among which there are the following: the invitation to public hearings; the functioning of the MESENI; the issuance of press releases; requests for information to the state on the basis of Article 41 of the American Convention; working visits; information from the state and civil society organizations, as well as from other international organizations.

24. In 2021, the IACHR published 55 press releases voicing its concern over continued repression by the state which is keeping the Nicaraguan population's enjoyment and exercise of its human rights in a critical situation. In addition, the Inter-American Commission adopted more than 29 resolutions for precautionary measures to protect persons whose rights are at a serious and irreparable risk of being violated. Taking into account the situation of extreme gravity and urgency of some of its beneficiaries, the IACHR filed five applications to the Inter-American Court of Human Rights (I/A Court H.R.) for extending and/or granting provisional measures, all of which were granted.<sup>19</sup>

<sup>16</sup> Permanent Mission of Nicaragua where it forwards a copy of the [comunicación referida](#) communication referring to the denouncement of the Charter of the Organization of American States on November 18, 2021. CP/INF. 9176/21, November 18, 2021. In archive of the IACHR.

<sup>17</sup> IACHR. Press release No. [312/21 - CIDH reafirma su competencia sobre Nicaragua y lamenta su decisión de denunciar la Carta de la OEA en un contexto de graves violaciones a los derechos humanos](#). [The IACHR Stresses Its Competent Jurisdiction concerning Nicaragua and Laments Nicaragua's Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations]. Washington, D.C., November 20, 2021.

<sup>18</sup> IACHR. Press release No. [312/21 - CIDH reafirma su competencia sobre Nicaragua y lamenta su decisión de denunciar la Carta de la OEA en un contexto de graves violaciones a los derechos humanos](#). [The IACHR Stresses Its Competent Jurisdiction concerning Nicaragua and Laments Nicaragua's Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations]. Washington, D.C., November 20, 2021.

<sup>19</sup> IACHR. Press release No. [285/21 - La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Cristiana Chamorro y de 14 personas que se encuentran en extrema situación de riesgo en Nicaragua](#). [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Cristiana Chamorro and 14 Other Individuals Who Face Extreme Risks in Nicaragua], Washington, D.C., October 29, 2021; IACHR. Press release No. [242/21 - CIDH solicita a Corte Interamericana ampliar medidas provisionales a favor de las comunidades del pueblo indígena Miskitu en Nicaragua](#). [IACHR asks Inter-American Court to extend provisional measures in favor of communities of Miskitu indigenous people in Nicaragua], Washington, D.C., September 17, 2021; IACHR. Press release No. [220/21 - La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Lester Lenin Alemán Alfaro y Freddy Alberto Navas López, y a su núcleo familiar, ante extrema situación de riesgo en Nicaragua](#). [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Lester Lenin Alemán Alfaro and Freddy Alberto Navas López and Their Families, Given the Extreme Risks They Face in Nicaragua], Washington, D.C., August 25, 2021; IACHR. Press release No. [181/21 - La CIDH solicita a la Corte Interamericana ampliación de medidas provisionales a favor de Daisy Tamara Dávila Rivas y su núcleo familiar ante extrema situación de riesgo en Nicaragua](#). [IACHR requests that the Inter-American Court extend provisional measures to Daisy Tamara Dávila Rivas and her family due to a situation of extreme risk in Nicaragua], Washington, D.C., July 16, 2021; IACHR. Press release



25. On November 23, 2021, the IACHR transmitted to the state of Nicaragua a preliminary copy of the present document which is part of Chapter IV.B of its Annual Report for 2021 and, in accordance with its Rules of Procedure, requested it to submit its observations within a month.

26. In its response dated from November 25, 2021, the State of Nicaragua informed the “absolute rejection of the referred preliminary report, for constituting a misguided and offensive compilation of false facts, manipulated and distorted by said organism, using as its only source political adverse sectors to our government, which do not reflect the national reality and whose only objective is to continue the delegitimization and defamation campaign against the Nicaraguan State, to further realize the list of aggressions that North American Empire has been cleverly plotting, in blatant complicity with those sectors and with organizations such as this one, which unfortunately are an instrument of interference, in the presentation of the Empire to fulfill its desire to submit us to its will”. In addition, it stated that “these reports do not deserve any observation [on our part] since they constitute a systematized compilation of the lies that have been repeated against the government and have never taken into account the objective and tangible information provided by our State on the progress made in the recognition and vindication of rights in favor of our people<sup>20</sup>”.

27. The IACHR takes note and deeply regrets the position of the Nicaraguan State regarding this report, which was approved in its final version on December 12, 2021. The IACHR recalls that full respect for human rights constitutes a fundamental guarantee of the democratic societies and, furthermore, underlines the importance of facilitating effective international scrutiny in the matter to promote its full observance in accordance with the international obligations voluntarily contracted by the Nicaraguan State.

28. Below, the IACHR reviews in greater detail the factors that led IACHR to deciding, for the fourth consecutive year, on the inclusion of Nicaragua into Chapter IV.B of its Annual Report for 2021, in particular, because of the abusive exercise of power and the breakdown of the rule of law in the framework of the electoral process held this year; the situation of freedom of expression and of economic, social, cultural, and environmental rights; and finally, the situation of groups of special concern for the Commission.

## II. ABUSE OF POWER AND BREAKDOWN OF THE RULE OF LAW

29. In the framework of its report “Concentration of power and undermining of the Rule of Law in Nicaragua,” the IACHR noted that the principle of separation of powers governing a democracy under the rule of law was breached. The distinct branches of government were not managed by separate and independent bodies that were held in balance between each other. All branches were aligned and steered by the executive branch, because of which they did not act as constraints on the exercise of power nor were they able to prevent arbitrary actions; on the contrary, they facilitated or consolidated this exercise of power.<sup>21</sup>

30. In its report, the IACHR pointed out that, in Nicaragua, there was a gradual concentration of power and a progressive undermining of democratic institutions which escalated in 2007 when Daniel Ortega took office for his second term as President of the Republic and which was consolidated beginning with the

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No. 156/21 - [La CIDH solicita a la Corte Interamericana medidas provisionales a favor de Juan Chamorro, José Aguerrí, Félix Maradiaga, Violeta Granera, y núcleo familiar, ante extrema situación de riesgo en Nicaragua](#). [The IACHR requests that the Inter-American Court adopt provisional measures in favor of Juan Sebastián Chamorro, José Adán Aguerrí, Félix Maradiaga, Violeta Granea, and family, due to extreme risk in Nicaragua], Washington, D.C., June 23, 2021.

<sup>20</sup> Ministry of Foreign Affairs, Government of Reconciliation and National Unity [Gobierno de Reconciliación y Unidad Nacional], Nicaragua. Nota MRE/DM-DMC/DGAJST/00292/11/2021, November, 25 2021, p. 1-3.

<sup>21</sup> IACHR. [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 174.

serious human rights crisis that started in April 2018.<sup>22</sup> This process of concentrating power was possible because of a series of measures that were adopted to allow the president to be reelected and to concentrate the greatest amount of political power in the high spheres of the executive branch of government, with the participation of different state institutions, ranging from the National Assembly, the institutions of the judicial branch such as the Supreme Court of Justice, the Office of the Attorney General of the Republic, and the security forces, and the appointment of persons because of their affiliation to the administration's political party or to its partners in the pact, and by the absence of independent and impartial oversight bodies. The IACHR also pointed out that the concentration of power made it possible for Nicaragua to become a police state, in which the executive branch had installed a system eliminating all freedoms, involving control and surveillance over the entire citizenry and repression enforced by state and para-state security institutions endorsed by all branches of government.<sup>23</sup>

31. In this context, during the present year, the IACHR observed that the general elections held on November 7—leading to the election of the incumbent President Daniel Ortega for his fourth consecutive term of office—took place in a climate of repression, impunity, absence of the rule of law, and closure of democratic forums in the country. In particular, as examined below, the IACHR observed a series of state actions that had the effect of putting an end to the participation of the opposition in the elections and, with that, facilitating the incumbent President to stay in power, as well as safeguard his privileges and immunities, in a context of corruption, electoral fraud, and structural impunity. As a result, there is a breakdown of the rule of law and an infringement of the principle of the separation of powers in Nicaragua, and the human rights situation of the population continues to seriously deteriorate.

### ***Electoral reforms and disqualification of political parties of the opposition***

32. The IACHR recalls that democracy is “[...] a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives.”<sup>24</sup> Democracy is indispensable for the effective exercise of fundamental freedoms and human rights.<sup>25</sup> For its consolidation, it is paramount to benefit from an institutional structure governed by the separation, independence, and balance of powers, as well as the effective exercise of political rights, by means of free and fair elections and the respect for and promotion of pluralism in society.<sup>26</sup> Regarding this, the IACHR deems that the democratic rule of law, as a form of organizing political power, is governed by, among other fundamental principles, the principle of separation of powers. It presupposes that the different functions of the state correspond to separate and independent bodies whose powers are balanced so as to set the necessary limits on the exercise of power and prevent arbitrariness.<sup>27</sup>

<sup>22</sup> IACHR, [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 172.

<sup>23</sup> IACHR, [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 173.

<sup>24</sup> UN. General Assembly, [Documento Final de la Cumbre Mundial 2005](#) [2005 World Summit Outcome], A/60/L.1, September 15, 2005, para. 135.

<sup>25</sup> OAS. Article 7 of the Inter-American Democratic Charter.

<sup>26</sup> OAS. Article 3 of the Inter-American Democratic Charter; and UN. Commission on Human Rights, Resolution 2000/47, Promoting and consolidating democracy, 25 April 2000.

<sup>27</sup> IACHR, [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 176.

33. As for the Inter-American Court, it has pointed out that the effective exercise of democracy in the states of the Americas constitutes an international legal obligation and that they have taken the sovereign decision that this exercise has ceased to be solely a matter of domestic, internal, or exclusive jurisdiction.<sup>28</sup>

34. In line with these ideas, the Commission emphasizes that “the exercise of political rights is an essential element of the system of representative democracy.” It has therefore referred to the need to hold “authentic and free” elections, indicating that there is “a direct linkage between the electoral mechanism and the system of representative democracy.” In the Commission’s opinion, as part of the authenticity of elections referred to in Article 23(2) of the American Convention on Human Rights, in a positive sense, there must be some consistency between the will of the voters and the result of the election; however, “in the negative sense, the characteristic implies an absence of coercion which distorts the will of the citizens.”<sup>29</sup> Specifically, the Commission has developed the view that “the authenticity of the elections covers two different categories of phenomena”:<sup>30</sup> on the one hand, those referring to the general conditions in which the electoral process is carried out and, on the other hand, phenomena linked to the legal and institutional system that organizes elections and which implements activities linked to the electoral act, that is, everything related in an immediate and direct way to the casting of the vote.<sup>31</sup>

35. In short, the Commission understands that, for elections to meet the requirements of Article 23 of the Convention, it is essential that the States adopt measures to ensure adequate general conditions for the electoral contest, as well as during the organization of the election and its implementation. This encompasses both the adoption of certain positive measures such as the state refraining from favoring any candidate or political group. The Commission also recognizes that, by complying with the obligations that guarantee the authenticity of elections, not only are the obligations deriving from political rights being fulfilled from an active perspective, but also from a passive perspective, because when equity is ensured in an electoral contest, it contributes to the observance of the right to participate on an equal footing.<sup>32</sup>

36. This year, the IACHR observed that, despite calls made by Nicaraguan civil society and other international stakeholders,<sup>33</sup> the legislative body adopted electoral reforms which, far from restoring trust in the Nicaraguan Electoral System by guaranteeing fair, transparent, and free elections, produced largely formal changes in the system and incorporated rules that imposed even greater restrictions on electoral competence and the exercise of political rights.

37. On May 4, 2021, the National Assembly adopted Law No. 1070 “Reforming and Supplementing Law 331, Electoral Law,”<sup>34</sup> whereby participation was restricted by increasing the causes for suspending and removing the legal status of political parties by incorporating excessively ample and ambiguous cases for said removal, some of which pertain to the official narrative whereby persons identified as dissidents are arbitrarily and unlawfully criminalized. Furthermore, the above-mentioned reform implemented Law No. 1040 on

<sup>28</sup> I/A Court H.R. Advisory Opinion OC-28/21. [La figura de la reelección presidencial indefinida en sistemas presidenciales en el contexto del sistema interamericano de derechos humanos](#) [Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System], June 7, 2021, para. 147.

<sup>29</sup> IACHR. Resolution No. 01/90 Cases 9768, 9780, and 9828 (Mexico), May 17, 1990, para. 47.

<sup>30</sup> IACHR. Resolution No. 01/90 Cases 9768, 9780, and 9828 (Mexico), May 17 29, 1990, para. 48.

<sup>31</sup> IACHR. Resolution No. 01/90 Cases 9768, 9780, and 9828 (Mexico), May 17, 1990, para. 48.

<sup>32</sup> IACHR. Report No. 303/20. Case 13.727. Merits. Fabio Gadea Mantilla. Nicaragua. October 29, 2020, para. 59

<sup>33</sup> Alianza Cívica. [“Reafirmamos nuestro compromiso con cambios profundos al Consejo Supremo Electoral y al Sistema Electoral”](#) [We reaffirm our pledge for in-depth changes to the Supreme Electoral Court and the Electoral System], July 14, 2020; *Confidencial*, [“La reforma electoral que necesita la democracia”](#) [The electoral reform that democracy needs], August 6, 2020; and *Confidencial*, [“Coalición Nacional acuerda agenda de reformas electorales”](#) [National Coalition agrees on electoral reform agenda], September 19, 2020.

<sup>34</sup> [Ley No. 1070](#). Law No. 1070. Reforming and Supplementing Law No. 331, Electoral Law. Published in *La Gaceta, Diario Oficial* N° 81, Gazette, Official Register No. 81 of May 5, 2021.

Foreign Agents and Law No. 1055 on Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, which arbitrarily prevents candidacies of dissidents from being registered.<sup>35</sup>

38. Regarding this, the OAS Secretariat for Strengthening Democracy informed that these reforms constituted “an additional link in the purpose to silence the opposition and prevent free political competition to gain access to offices representing the public.” In particular, it indicated that the reforms restrict freedom of expression by expressly forbidding public manifestations by political stakeholders who do not belong to the parties or coalitions that are participating in an electoral process (Article 95); they added new causes for suspending and removing the legal status of political parties, causes that are blurry and subject to discretionary interpretation, such as undermining independence, sovereignty, and self-determination, inciting foreign interference in domestic matters, calling for economic sanctions to the detriment of the state, not resorting to violence, and any action that is aimed at or results in upsetting public law and order or preventing the regular functioning of government administration bodies (Articles 74 and 63); the reforms also expanded the disqualifications for the registration of candidacies to publicly elected office (Article 81), incorporating restrictions set forth in the laws described above, as well as forbidding the participation of political stakeholders from the opposition because they are deemed to be “traitors to their country”; they also eliminated civil society’s participation in the process of submitting nominations for magistrates to sit on the Supreme Electoral Council; and they granted the police the power to authorize or ban political party rallies (Article 89).<sup>36</sup>

39. In addition to the above, on same day May 4, 2021, the National Assembly elected the new magistrates to sit on the Supreme Electoral Council (*Consejo Supremo Electoral—CSE*), as well as their respective alternates. According to public information, these appointments were given to persons connected to the government’s political party and were conducted without any consultative process, as provided for in Article 138.9 of Nicaragua’s Constitution, thus undermining the independence and impartiality of said body.<sup>37</sup> As pointed out by the IACHR, the absence of neutrality of the CSE constitutes one of the factors contributing to the ruling party’s long-term hold on power, as well as the protracted decline of the system of political representation, the rule of law, and public participation.<sup>38</sup>

40. On May 6, the OAS General Secretariat issued a press release also expressing its concern over both the election of the magistrates to the CSE and the adoption of electoral reforms, deeming that they “go against the principles and recommendations carried out by the international community, including the OAS Electoral Observation Mission in 2017, and resolutions of the Permanent Council and the General Assembly of the Organization.” According to the press release, the election of magistrates and adoption of these reforms “clearly give the official party an absolute advantage in controlling electoral administration and justice, eliminating the necessary guarantees and minimal institutional credibility for the development of a free and fair electoral process in November 2021.”<sup>39</sup>

<sup>35</sup> IACHR, [Nicaragua: Concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining of the Rule of Law], OEA/Ser.L/V/II. Doc. 288, October 25, 2021, para. 62; and IACHR, Press release No. 122/21. IACHR Expresses Concern over Electoral Reform Passed in Nicaragua and Calls on State to Guarantee Free, Fair Elections. May 14, 2021.

<sup>36</sup> OAS. Department for Electoral Cooperation and Observation (DECO), Nicaragua Report, November 8, 2021. In archive of the IACHR.

<sup>37</sup> CNN, [Juramentan a nuevos magistrados del Consejo Supremo Electoral](#) [Swearing in of new justices of the Supreme Electoral Court], May 6, 2021; and *El Confidencial*, Parlamento abre las puertas a un nuevo fraude electoral del FSLN [Parliament paves the way for new electoral fraud of FSLN], May 4, 2021.

<sup>38</sup> IACHR, [Informe Anual 2019, Capítulo IV. B Nicaragua](#), Annual Report 2019, Chapter IV.B Nicaragua, OEA/Ser.L/V/II. Doc. 5, February 24, 2020, para. 45.

<sup>39</sup> OAS. General Secretariat. Press release No. C-047/21. [Comunicado de la Secretaría General sobre elección de magistrados del CSE y reforma electoral en Nicaragua](#) [Statement from the General Secretariat on the Election of CSE Magistrates and Electoral Reform in Nicaragua], Washington, D.C., May 6, 2021.

41. Subsequent to the adoption of these reforms, the Inter-American Commission learned of the removal of the legal status of the principal political parties of the country's opposition seeking to run in the general elections in November, some of them in collaboration with the foremost political movements emerging from the beginning of the crisis on April 18, 2018, such as the Civic Alliance for Justice and Democracy (*Alianza Cívica por la Justicia y la Democracia*) or the Blue and White Unity (*Unidad Azul y Blanco*).

42. On May 19, 2021, the CSE removed the legal status of the Democratic Restoration Party (*Partido Restauración Democrática—PRD*). According to available information, this decision had been taken after party members had denounced that the party had established an Alliance with the National White and Blue Coalition (*Coalición Nacional Azul y Blanco*), which went against the principles governing the party and therefore would be infringing its bylaws. Afterwards, on May 20, the CSE decided to remove *ex officio* the legal status of the Conservative Party (*Partido Conservador*) after it had announced that it would not be participating in the elections.

43. On August 2, 2021, the political party Citizen for Freedom (*Ciudadano por la Libertad*) registered the candidacy of Oscar Sobalvarro as president and that of his running mate Berenice Quezada.<sup>40</sup> Nevertheless, on August 6, the CSE decided to remove the legal status of that party, which eliminated the candidacy of the only contender from the opposition who had been able to formally register to run for president in the elections. In its ruling, the CSE requested the cancellation of the Nicaraguan identity card of the party's president, Kitty Monterrey. On August 8, the Ministry of the Interior confirmed cancellation of Nicaraguan citizenship, as well as national identity card, birth certificate, and passport, of the party's president, who is also the national of another country and, to date, she is allegedly in hiding for fear of being detained and/or deported.<sup>41</sup> Today, the party's president is allegedly living in exile for fear of being persecuted and criminalized.

44. The IACHR energetically condemned the CSE's resolution, which had been adopted in violation of the Nicaraguan Constitution and on the basis of the Law Regulating Foreign Agents and the Law for Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace. As indicated by the IACHR, said statutes arbitrarily restrict electoral competition and the exercise of political and other rights, such as the freedom of expression and the freedom of association.<sup>42</sup>

### ***Arbitrary detentions of dissidents and presidential precandidates***

45. Along with the adoption of reforms that are contrary to international standards in the matter and the removal of the legal status of parties of the opposition, with the publication of the Electoral Calendar for the general elections, on May 11, the Inter-American Commission observed the escalation of repression including arbitrary detention and criminalization under unfounded charges by the Office of the Attorney General against more than 30 persons identified as political dissidents, social leaders, and human rights defenders. These actions, in addition to putting an end to the participation of persons who expressed their intention of running as presidential candidates, contributed to exacerbating a climate of fear in the population.

<sup>40</sup> *El Mostrador*. [La oposición nicaragüense registra a su primer candidato a la presidencia](#) [Nicaraguan opposition registers its first presidential candidate], August 2, 2021.

<sup>41</sup> IACHR. [Condena el arresto domiciliario de Berenice Quezada, candidata a la vicepresidencia de Alianza Ciudadanos por la Libertad y su inhibición para postular a cargos públicos ordenada por el Ministerio Público](#) [IACHR condemns house arrest of Berenice Quezada, vice-presidential candidate for Citizen Alliance for Freedom, and her disqualification from running for public office as ordered by the Office of the Attorney General], August 3, 2021. On August 5, 2021, the Office of the Attorney General informed that the charges brought against Berenice Quezada are based on alleged facts that pertain to the criminal category of "provoking, proposing, and plotting to commit acts of terrorism." It also indicated that the trial would be held while she was in liberty. IACHR. [209/21 - CIDH condena el conjunto de acciones estatales que tienen como efecto poner fin a la participación de la oposición en las próximas elecciones en Nicaragua](#). [IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election], Washington, D.C., August 11, 2021.

<sup>42</sup> IACHR. Press release 209/21. [209/21 - CIDH condena el conjunto de acciones estatales que tienen como efecto poner fin a la participación de la oposición en las próximas elecciones en Nicaragua](#). [IACHR Condemns the State Actions Aimed at Ending Opposition Participation in Nicaragua's Upcoming Election], Washington, D.C., August 11, 2021.



46. Among other incidents, the IACHR observed that, on May 20, the Ministry of the Interior summoned presidential precandidate Cristiana María Chamorro Barrios charging her with “evidence of engaging in money laundering.” On that same day, the premises of the independent media outlet *Confidencial* and the broadcasting programs *Esta Noche* [Tonight] and *Esta Semana* [This Week] conducted by the journalist Carlos Fernando Chamorro were seized. On May 28, two former employees of the Violeta Barrios de Chamorro Foundation were arbitrarily arrested, financial manager Walter Antonio Gómez Silva and chief accountant Marco Antonio Fletes Casco, both of whom were also summoned along with Christiana Chamorro on May 20.

47. On June 2, Cristiana Chamorro was detained, and since then the Government has launched a campaign of judicial persecution against precandidates and political leaders of the opposition. Thus, by August 31, seven presidential hopefuls had been arrested and more than 30 persons arbitrarily detained, among whom Arturo Cruz, Félix Maradiaga, Juan Sebastián Chamorro, Miguel Mora, Medardo Mairena, and Noel Vidaurre, who were deprived of their liberty after announcing their intention to run for the office of president and thus were prevented from formally participating in the election. Likewise, between June 12 and 13, the principal leaders of the political party UNAMOS, formerly the Sandinista Renewal Movement (*Movimiento Renovador Sandinista—MRS*), were arbitrarily detained, among whom three precandidates for congressional seats on behalf of the National Unity (*Unidad Nacional*): Tamara Dávila, Ana Vijil, and Suyen Barahona.

48. On July 5, the following were detained by the National Police: Medardo Mairena Sequeira, Pedro Joaquín Mena Amador, Freddy Alberto Navas López, Lester Lenin Alemán Alfaro, and Max Isaac Jerez Meza. The first three are members of the Peasant Movement (*Movimiento Campesino*) and the last two are members of the Nicaraguan University Alliance (*Alianza Universitaria Nicaragüense*). According to the press release issued by the National Police, the detentions had been ordered for crimes allegedly perpetrated in 2018, as well as for investigations into violations of Law 1055 on Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace, on the basis of ambiguous criminal categories.

49. In most cases, out of the more than 30 persons detained, available information indicates that the state did not officially confirm their whereabouts, thus preventing the detainees from contacting their family members for up to more than 80 days and having access to an attorney of their choice. In addition, it is alleged that the conditions of their detention are harsh. In this context, at the request of the IACHR, on July 24, 2021, the Inter-American Court granted provisional measures for the benefit of Juan Chamorro, José Aguerri, Félix Maradiaga, Violeta Granera, and their family members, in view of the extreme situation of risk to their life and integrity in the context of deprivation of their liberty. Furthermore, on July 29, 2021, the Inter-American Court granted urgent measures for the benefit of Tamara. Subsequently, on August 25, 2021, the IACHR requested the Inter-American Court to extend the provisional measures granted to Lester Lenin Alemán Alfaro and Freddy Alberto Navas López.

50. On September 9, 2021, the Court amplified the provisional measures for the benefit of Lester Lenin Alemán Alfaro and Freddy Alberto Navas López, and stipulated the immediate release of all persons benefiting from this protection measure. The Inter-American Court ordered Nicaragua “to unequivocally inform the family members and their trusted attorneys regarding the whereabouts of their detention and to immediately allow them to contact their family members and attorneys” and also “to immediately guarantee access to healthcare services and medicines for the beneficiaries.” It also ordered the authorities “to guarantee that the attorneys chosen by the beneficiaries will have access to the entire case file with the charges brought against them and access to the online judicial information system.”

51. On October 24, the IACHR requested the Inter-American Court to extend provisional measures to protect the rights of 15 additional persons who are in detention, all of them identified as opponents of the current government in Nicaragua and members of diverse sectors of Nicaraguan society.<sup>43</sup> These measures were granted by the Inter-American Court on November 4, 2021.

<sup>43</sup> The 15 persons are: Cristiana María Chamorro Barrios, presidential precandidate for the political party Citizens for Freedom (*Ciudadanos por la Libertad—CxL*) and former president of the Violeta Barrios de Chamorro Foundation; Pedro Joaquín Chamorro Barrios,

52. Furthermore, on August 24, the Office of the Attorney General filed the first charges against persons who had served 90 days of judicial detention. Said charges included the presidential precandidate Cristiana Chamorro, the journalist Carlos Fernando Chamorro, his brother and founding member of CxL Pedro Joaquín Chamorro, and seven other persons, for alleged crimes of misappropriation and unlawful withholding; laundering of money, property, and assets; mismanagement; negligent falsehood; and aiding and abetting the laundering of money, property, and assets.<sup>44</sup> Since then and until the closing date of this report, the Office of the Attorney General has brought diverse charges against the persons detained in this context.

53. According to information received, in the filing of the charges, the state did not observe the procedural guarantees or the right to a fair trial, because they had been submitted, in various cases, in private and secret preliminary hearings, in premises other than courts of law, before dawn, and oftentimes without the attendance of any of the legal representatives chosen by the detainees. None of the court rulings on the motions for habeas corpus or procedural objections filed by the attorneys were ruled for the benefit of the accused, according to available information. Likewise, as examined below in the present report, the IACHR received information about the harsh detention conditions in which the detainees are living, especially the women, because of constant interrogations, solitary confinement, exposure to artificial light 24 hours a day, the lack of medical care, and access to insufficient water and food.

54. The IACHR observes that patterns of criminalization of persons identified as political opponents and the serious impacts on the guarantees of due process of law highlight the complete lack of independence of Nicaragua's system for administering justice. Because of the above, the situation of special vulnerability in which the detainees are being held is of the utmost concern, owing to the fear of possible retaliation against them because of their opposition to the government and their leadership role. Regarding this, the IACHR expressed its concern over the President's speech broadcast nationwide on November 8, in which he referred to the detainees in offensive and intimidating ways, indicating that, because of their actions, they should not be considered to be Nicaraguan nationals and that they should be sent to another country.<sup>45</sup>

55. In view of the extreme seriousness of the flagrant use of the penal system for political electoral purposes, the Commission reiterates its condemnation of the arbitrary detentions by the state of Nicaragua in this context. At the same time, it urges the release of more than 30 persons arbitrarily detained as of May 2021, including the more than 130 persons who were deprived of their liberty since the beginning of the crisis in April 2018, for whom there is the obligation to guarantee their integrity and security. The IACHR calls on the state to immediately cease the arbitrary and unlawful detentions of those who are deemed to be opponents of the government and to restore guarantees for the full enjoyment of civil and political rights.

### ***Reelection of the incumbent government***

56. In the framework of the general elections held in the country between November 5 and 7, the IACHR received information on the rise in police stalking, acts of harassment, forcible entries and searches, threats, and arbitrary detentions against leaders of the opposition, human rights activists, members of civil

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former member of the board of directors of the Violeta Barrios de Chamorro Foundation and founding member of the political party Ciudadanos por la Libertad (CxL); Walter Antonio Gómez Silva, former financial manager of the Violeta Barrios de Chamorro Foundation; Marcos Antonio Fletes Casco, former chief accountant of the Violeta Barrios de Chamorro Foundation; Lourdes Arróliga, former employee of the Violeta Barrios de Chamorro Foundation; Pedro Salvador Vásquez, driver for Cristiana María Chamorro Barrios; Arturo José Cruz Sequeira, presidential precandidate for the Citizen Alliance platform (*Alianza Ciudadana*); Luis Alberto Rivas Anduray, former vice-president of FUNIDES and director of Banpro Grupo Promerica; Miguel de los Ángeles Mora Barberena, presidential precandidate for the political party Democratic Renewal (*Renovación Democrática*). The list of persons also includes leaders of the political party Democratic Renewal Union: Dora María Téllez Arguello, Ana Margarita Vijil Gurdíán, Suyen Barahona Cuán, Jorge Hugo Torres Jiménez, Víctor Hugo Tinoco Fonseca; and the political leader of the National Coalition (*Coalición Nacional*), José Bernard Pallais Arana.

<sup>44</sup> [Urnas Abiertas. Séptimo Informe. Agosto, 2021](#). *Urnas Abiertas*. Seventh Report, August 2021

<sup>45</sup> *El Financiero*. [Daniel Ortega llama "hijos de perra" a opositores presos y familias acusan discurso de odio](#) [Daniel Ortega calls dissident prisoners 'sons of bitches' and families accuse him of hate speech], November 9, 2021; and *La Prensa*, [Ortega arremete contra opositores en su discurso el día de la votación](#) [Ortega lashes out against dissidents in his election day speech], November 8, 2021.

society organizations, and journalists in diverse departments of the country. Said actions had allegedly been perpetrated, for the most part, by police agents, para-police forces, and government supporters. Regarding this, according to information received, at least 23 persons had been arbitrarily detained in nine departments, without arrest warrants and without any information being provided to family members, with indications that they would have to wait 48 hours to receive additional information. In addition, members of the former Citizen Power Councils (*Consejos del Poder Ciudadano—CPC*) had visited homes, calling upon residents to vote for the government's party as a way of intimidating them.<sup>46</sup>

57. The Special Rapporteurship for Freedom Expression (RFOE) also received with concern multiple reports on restrictions to the freedom of the press on election day, such as the ban on reporters preventing them from coming close to the polling stations; acts of harassment against the media and journalists; the temporary detentions of journalists and the confiscation of personal and professional equipment; the obligation to broadcast on national television the President's speech during the election; the broadcasting of electoral propaganda on government-controlled media, thus violating domestic law on the matter; and the expulsion of, and refusal to allow, the international press to enter the country to provide news coverage of the elections.<sup>47</sup>

58. Finally, on November 8, 2021, the CSE announced that, with more than 97% of the ballots counted, the incumbent President Daniel Ortega of the Sandinista National Liberation Front (FSLN) had won the election for a new term of office, with 75.92% of the votes, which led to widespread condemnation by the international community.

59. Regarding this, according to public information, about 50 countries stated their repudiation of the election, calling the process illegitimate and observing the absence of conditions to carry out free, transparent, and fair elections in Nicaragua. On November 12, 2021, the OAS General Assembly also declared that "the elections of November 7 in Nicaragua were not free, fair, or transparent and had no democratic legitimacy." It also concluded that, "on the basis of the principles established in the OAS Charter and the Inter-American Democratic Charter, democratic institutions in Nicaragua have been seriously undermined by the government."<sup>48</sup>

60. The IACHR recalls that indefinite reelection, or extensive periods of exercising the presidency by the same person in given contexts where there are no adequate safeguards or guarantees, can lead to certain risks for the system of representative democracy, which is a key pillar to the inter-American system. To the extent that those currently in office have the authority to appoint those at the helm of oversight bodies and in other branches of government, their prolonged or indefinite stay can lead to a concentration of power that renders illusory the institutional balance of power with the system of checks and balances and can end up undermining the foundations of democracy, which would involve alternating the exercise of and access to power as a guarantee of pluralism.<sup>49</sup>

61. As for the Inter-American Court, it has established that authorizing the indefinite reelection of the president is contrary to the principles of representative democracy and, ultimately, contrary to the obligations set forth in the American Convention and the American Declaration of the Rights and Duties of

<sup>46</sup> IACHR. Press release No. [300/21 - La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#) [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua], Washington, D.C., November 10, 2021.

<sup>47</sup> IACHR. Press release No. [300/21 - La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#) [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua], Washington, D.C., November 10, 2021.

<sup>48</sup> OAS. "The Situation in Nicaragua," adopted by the General Assembly on November 12, 2021.

<sup>49</sup> IACHR. Report No. 303/20. Case 13.727, Report on the merits, Fabio Gadea Mantilla, Nicaragua, para. 78.

Man.<sup>50</sup> In that regard, the Court has pointed out that this prohibition on indefinite terms in office aims to prevent people who hold popularly elected office from keeping themselves in power. The Court also emphasizes that representative democracy is characterized by the fact that the people exercise power through their representatives as established by the Constitution, who are chosen through universal elections:

When a person can hold a public office perpetually, there is a risk that the people will cease to be duly represented by their elected leaders, and that the system of government will come to resemble an autocracy more than a democracy.<sup>51</sup>

62. The Inter-American Court also established that enabling presidential reelection without term limits by allowing the incumbent president to stand for reelection has serious consequences in terms of access to power and the functioning of democracy in general. Therefore, the removal of the limits preventing presidential reelection without term limits must not be subject to being decided by the will of the majority or their representatives for their own benefit. The Court also established that, as a general rule, the risks posed to democracy in the region arising from presidential reelection without term limits have materialized. The Court therefore concluded that the enablement of presidential reelection without term limits keeps political forces other than the person holding the office of the presidency from gaining popular support and being elected, impairs the separation of powers, and undermines the functioning of democracy.<sup>52</sup>

63. The IACHR urges the Nicaraguan state to take the necessary measures to restore democratic institutions, the full effectiveness of the rule of law, and basic liberties, including the freedom of expression. In view of the Nicaraguan state's denunciation of the Charter of the Organization of the American States (Charter of the OAS), transmitted via a communication on November 18, 2021,<sup>53</sup> the Commission calls on the state of Nicaragua to reconsider its decision and invites member state of the OAS and/or the Organization's political institutions to engage in an authentic, bona fide dialogue that reflects their obligations concerning human rights for the benefit of the Nicaraguan people.<sup>54</sup>

### III. SITUATION OF FREEDOM OF EXPRESSION

64. In 2021, the situation of the right to freedom of expression in Nicaragua continued to deteriorate at a fast pace. The IACHR and its Special Rapporteurship condemn the statements repeatedly made by government leaders smearing independent media, the irregular detentions, and the court proceedings filed without any guarantee of due process of law against journalists and persons who voice any criticism; the restrictions imposed on protest; the obstacles to the free functioning of civil society organizations; the impossibility for media to provide news coverage of government events; the absence of active transparency by the state; and the restrictions on the freedom of expression in digital media, among other events of serious

<sup>50</sup> I/A Court H.R. Advisory Opinion OC-28/21. [La figura de la reelección presidencial indefinida en sistemas presidenciales en el contexto del sistema interamericano de derechos humanos](#). [Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System], June 7, 2021, para. 72.

<sup>51</sup> I/A Court H.R. Advisory Opinion OC-28/21. [La figura de la reelección presidencial indefinida en sistemas presidenciales en el contexto del sistema interamericano de derechos humanos](#). [Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System], June 7, 2021, para. 73.

<sup>52</sup> I/A Court H.R. Advisory Opinion OC-28/21. [La figura de la reelección presidencial indefinida en sistemas presidenciales en el contexto del sistema interamericano de derechos humanos](#). [Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System], June 7, 2021, paras. 144-145.

<sup>53</sup> Permanent Mission of Nicaragua to the OAS, forwarding a copy of the above-mentioned communication [comunicación referida](#) of the denunciation of the Charter of the Organization of American States dated November 18, 2021. CP/INF. 9176/21, November 18, 2021. In IACHR files.

<sup>54</sup> IACHR. Press release No. 312/21, [312/21 - CIDH reafirma su competencia sobre Nicaragua y lamenta su decisión de denunciar la Carta de la OEA en un contexto de graves violaciones a los derechos humanos](#). [The IACHR Stresses Its Competent Jurisdiction concerning Nicaragua and Laments Nicaragua's Decision to Denounce the Charter of the OAS in a Context of Serious Human Rights Violations]. Washington, D.C., November 20, 2021.

concern. The evidence gathered by the IACHR and its Rapporteurship has led to the conclusion that there is, at present, no kind of guarantee whatsoever to exercise the right to freedom of expression in the country.<sup>55</sup>

### A. Journalism and Democracy

65. In 2021, the IACHR has continued to monitor acts of repression against independent media from the government and related sectors, in a context that was increasingly constraining for the exercise of basic liberties and the legitimate expression of critical and dissident voices in Nicaragua. The IACHR has recorded diverse patterns of attack against the media, among which smears and criminal accusations brought by government leaders, which find resonance in sectors supporting the current head of state and, on certain occasions, have led to the escalation of violence against journalists. At the same time, media outlets have been the targets of forcible entries and searches and attempts to block clearance of material supplies for media outlets; judicial harassment of media workers; threats of sanctions, in several cases on the basis of the Law on Cybercrimes and the Law for Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace; and the detention of journalists, managers, and staff of opposition media. Documented testimonies and information have shown, in addition, a climate of self-censorship and exile of journalists. Between January and September 2021, *La Prensa* recorded at least 362 assaults against freedom of the press in Nicaragua.<sup>56</sup> Also in 2021, the IACHR identified at least 65 cases of journalists in situations of extreme vulnerability and risk.<sup>57</sup> This situation became even more distressing in the context of the elections in Nicaragua, during which many constraints on news coverage were observed.

66. As the Commission was able to learn, the Prosecution Office of Nicaragua has subpoenaed at least 40 reporters and media outlet directors in the framework of the case being conducted against the Violeta Barrios de Chamorro Foundation for alleged money laundering.

67. Also on June 21, the sports commentator Miguel Mendoza was detained because of critical remarks on social media and has been accused of various acts subverting public law and order. As of the closing date of the present report, the reporter is still in jail and kept incommunicado, according to reports received.<sup>58</sup> According to a press release from the National Police, the reporter is supposedly being investigated for “having engaged in actions undermining independence, sovereignty, and self-determination, fostering foreign interference in domestic matters, calling for military interventions, organizing with funding from foreign powers to carry out acts of terrorism and destabilization,” among other actions.<sup>59</sup>

68. Similarly, on August 14, the journalist Juan Lorenzo Holmann Chamorro, manager of *La Prensa*, was detained as a result of an investigation into customs fraud and laundering of money, property, and assets.<sup>60</sup> The IACHR also received complaints about several acts of harassment against the journalist Dario Aníbal Toruño and his daily radio program *Radio Darío Aníbal Toruño*.<sup>61</sup> Between January and February 2021, troops of the National Police had forcibly entered and searched his home on three occasions because of an

<sup>55</sup> Twitter account of RFOE (@RELE\_CIDH). [9 de septiembre de 2021](#) [September 9, 2021].

<sup>56</sup> *La Prensa*. September 2021. [Informe de violaciones a la libertad de prensa. Septiembre 2021](#) [Report on freedom of the press violations. September 2021].

<sup>57</sup> Twitter account of RFOE (@RELE\_CIDH). [9 de septiembre de 2021](#) [September 9, 2021].

<sup>58</sup> CPJ. June 24, 2021. [La Policía nicaragüense detiene al periodista Miguel Mendoza por presunta “traición a la patria”](#) [Nicaraguan police detains journalist Miguel Mendoza for alleged “high treason”]; and *Fundamedios*. June 22, 2021. [Miguel Mendoza es el segundo periodista detenido en Nicaragua, la policía además allanó la casa de Fernando Chamorro](#) [Miguel Mendoza is second journalist detained in Nicaragua, police also forcibly entered and searched house of Fernando Chamorro].

<sup>59</sup> National Police of Nicaragua. June 21, 2021. [Nota de prensa No. 164 - 2021](#) [Press release No. 164-2021].

<sup>60</sup> Twitter account of Nicaraguan Human Rights Center (@cenidh). [14 de agosto de 2021](#) [August 14, 2021].

<sup>61</sup> *100% Noticias*. January 11, 2021. [CPJ exige al régimen cesar hostigamiento contra el periodista Aníbal Toruño](#) [CPJ calls on the regime to cease harassing journalist Aníbal Toruño]; and *CPJ*. January 8, 2021. [Autoridades hostigan al periodista nicaragüense Aníbal Toruño y le allanan la vivienda](#) [Authorities harass Nicaraguan journalist Aníbal Toruño and search his home].



investigation into the alleged crime of drug trafficking.<sup>62</sup> The radio program *Radio Darío Aníbal Toruño* has also filed complaints about the repeated presence of the police outside its premises.<sup>63</sup>

69. The Commission is especially concerned about the case of the journalist Kalúa Salazar, press officer of the radio station *La Costeñísima*, who in 2021 was the target of constant stalking by police officers. On March 31, 2021, the Special Rapporteurship for Freedom of Expression (RFOE) and the Special Monitoring Mechanism for Nicaragua (MESENI) were eyewitnesses to an episode of harassment against the journalist when Nicaraguan police troops placed themselves at the doors of her residence when she was holding an online meeting.<sup>64</sup> Throughout 2021, the journalist denounced the presence of the police outside her house preventing her from going to work or even carrying out basic activities such as shopping, and she highlighted the especially intimidating and harmful impact that the presence of armed men outside her house would have on her underage daughters.<sup>65</sup> The reporter had been hit by police officers when she tried to leave her house on April 19, 2021, as the Office here was able to find out.<sup>66</sup>

70. According to public information, on May 20, the head office of the magazine *Confidencial* and the recording studios of the television programs *Esta Semana* and *Esta Noche* conducted by the journalist Carlos Fernando Chamorro were forcibly entered and searched by the National Police. According to what the IACHR was able to learn, the Police had seized boxes with documents and equipment, and the cameraman Leonel Gutiérrez had been detained for more than six hours.<sup>67</sup> It was also reported that certain journalists attempting to provide news coverage of the incident had been forcibly required to withdraw and others had fled for fear of being detained.<sup>68</sup> Under these circumstances, police officers had detained the journalist Luis Siquiera from *AFP* and had deleted the contents of what he had recorded.<sup>69</sup> The IACHR recalls that this is the second forcible

<sup>62</sup> *Confidencial*. January 5, 2021. "[Es un acto de odio y terror", denuncia Aníbal Toruño, sobre allanamiento a su casa](#)"; CPJ. January 8, 2021. [Autoridades hostigan al periodista nicaragüense Aníbal Toruño y le allanan la vivienda](#) [Authorities harass Nicaraguan journalist Aníbal Toruño and forcibly enter and search his home]; *Confidencial*. February 4, 2021. [Policía allana por tercera vez la casa de Aníbal Toruño, director de Radio Darío](#) [Police forcibly enter and search the home of Aníbal Toruño, Director of Radio Darío]; and *Nicaragua Investiga*. February 4, 2021. [Policía entra con violencia a casa del periodista Aníbal Toruño](#) [Police forcibly enter home of journalist Aníbal Toruño].

<sup>63</sup> Twitter account of Radio Dario 89.3 (@RadioDarioNi), January 23, 2021 [23 de enero de 2021](#).

<sup>64</sup> Twitter account of IACHR (@CIDH), March 31, 2021 [31 de marzo de 2021](#).

<sup>65</sup> *La Prensa*. May 20, 2021. [Siento que será una noche difícil», Policía Orteguista asedia viviendas de periodistas en Bluefields](#) [I feel it's going to a tough night. Ortega loyalist police barricades homes of journalists in Bluefields]; IACHR. Special Rapporteurship for Freedom of Expression. Podcast Deliberante / Spotify. [Episodio 2: Informar no es delito](#) [Episode 2: Reporting news is not a crime]; *Despacho 505*. October 30, 2021 [Policía asedia casa de la periodista Kalúa Salazar, en Bluefields](#) [Police barricades house of journalists Kalúa Salazar in Bluefields]; *La Prensa*. March 22, 2021. [Periodista Kalúa Salazar denuncia asedio policial: «Mis niñas están creciendo viendo a hombres armados»](#) [Journalist Kalúa Salazar denounces police barricade: 'My girls are growing up seeing armed men']; and *Nicaragua Actual*. April 9, 2021. [Jefa de prensa de Radio La Costeñísima continúa siendo asediada por policías sandinistas](#) [Press officer of Radio La Costeñísima continues to be barricaded by Sandinista police].

<sup>66</sup> *Despacho 505*. April 19, 2021. [Policías golpean a la periodista Kalúa Salazar y no la deja salir de su casa](#); [Police hit journalist Kalúa Salazar and prevent her from leaving her house]; and *Confidencial*. April 19, 2021. [Policía golpea e impone casa por cárcel a periodista Kalúa Salazar](#) [Police hit and impose house arrest on journalist Kalúa Salazar].

<sup>67</sup> *Deutsche Welle*. May 21, 2021. [Allanan en Nicaragua a ONG y medios críticos con Ortega](#) [Forcibly enter and search NGOs and media criticizing Ortega in Nicaragua]; *Voz de América*. May 21, 2021. [¿Dónde están los golpistas?: Gobierno de Nicaragua allana oficinas del diario Confidencial](#) [Where are the coup leaders? Nicaraguan government forcibly enters and searches head office of *Confidencial* and detains cameraman Leone Gutiérrez]; and CPJ. May 21, 2021. [La Policía nicaragüense allana la sede de Confidencial y detiene al camarógrafo Leonel Gutiérrez](#) [Nicaraguan police forcibly enter and search head office of *Confidencial* and detains cameraman Leonel Gutiérrez].

<sup>68</sup> *El Universo*. May 21, 2021. [Policía de Nicaragua detiene a periodistas que cubrían el allanamiento de un medio crítico con el gobierno de Daniel Ortega](#) [Nicaraguan police detains journalists providing news coverage of forcible entry and search of media outlet that criticizes Daniel Ortega government]; and *EFE*. May 21, 2021 [Policía allana medio crítico con Ortega, detiene a periodista y acosa a otros](#) [Police forcibly enters and searches media outlet critical of Ortega, detains journalists, and harasses others].

<sup>69</sup> *France 24*. May 21, 2021. [Nicaragua: denuncian asedio y allanamientos a ONG y medios de comunicación críticos](#); [Nicaragua: reports of NGOs and media outlets critical of government being barricaded and forcibly entered and searched]; *Voz de América*. May 21,

entry and search operation targeting the head office of *Confidencial*. The premises of the media outlet have been occupied by the National Police since December 14, 2018, and according to available information, on February 23, 2020, the Ministry of Health had inaugurated the Camilla López Maternal Healthcare Center on these premises.<sup>70</sup> The IACHR also received information indicating that, on February 25, 2021, the Ministry of Health had inaugurated the Valentín Méndez Treatment Center for Alcoholics and/or Drug Addicts in Lanza Oriental in Managua on the premises of *100% Noticias*, also forcibly entered and taken on December 23, 2018.<sup>71</sup>

71. On August 13, 2021, the National Police and the Office of the Attorney General forcibly entered and searched the premises of *La Prensa*, seized material assets, and on the following day detained its general manager Juan Lorenzo Holmann Chamorro in the framework of an investigation into alleged crimes of customs fraud and laundering of money, property, and assets.<sup>72</sup> According to the President of Nicaragua, the premises of *La Prensa* were used “to launder money and hide evidence.”<sup>73</sup> Reports were also received about absence of communication from the workers during the temporary entry and search and the temporary suspension of the internal server of *La Prensa*, which had prevented it from posting on its website. On August 12, that same newspaper had reported that printing paper had been embargoed by the customs authorities 20 days earlier, which had required them to stop publishing their print edition and continue solely with their online format.<sup>74</sup> On September 15, *La Prensa* reported that their premises were still inaccessible to the newspaper’s staff and that it had been “forced to cut back its staff,” downsizing its workforce “in order to operate only with a sufficient number in order to continue reporting the news” from their website, announcing that their print edition would no longer be issued until their office premises were returned and the paper shipment cleared by customs.<sup>75</sup> The IACHR recalls that the raw materials for the newspaper had been previously withheld temporarily in June 2021.<sup>76</sup>

2021. “¿Dónde están los golpistas?” [“Where are the coup leaders?”]; and *Nicaragua Investiga*. May 26, 2021. [Director de AFP protesta ante autoridades nicaragüenses por detención a su reportero](#) [AFP Director protests at Nicaraguan authorities for detention of its reporter].

<sup>70</sup> Artículo 66. February 24, 2021. [Régimen ‘amuebla’ casa materna con lo que saquearon a Confidencial y 100% Noticias](#) [Regime ‘refurbishes’ premises expropriated from *Confidencial* and *100% Noticias* to be maternal health center]; *Confidencial*. March 23, 2021. [“Casa materna” en CONFIDENCIAL está vacía y bajo control policial](#) [“Maternal health center” on *Confidencial* premises is empty and controlled by police]; and *Confidencial*. January 30, 2021. Nicaragua: [Destruyen y usurpan propiedades confiscadas en 2018](#) [Properties seized in 2018 are being destroyed and taken over].

<sup>71</sup> *Nicaragua Investiga*. February 25, 2021. [Gobierno abre centro contra las adicciones en edificio confiscado a 100% Noticias](#) [Government opens addiction treatment center in building seized from *100% Noticias*]; CNN. February 26, 2021. [Nicaragua: abren centros de salud en oficinas de medios clausurados](#) [Nicaragua: Health centers inaugurated in former office premises of closed media outlets]; and *France 24*. December 23, 2018. [Nicaragua: allanamiento de 100% Noticias, el segundo golpe del Gobierno a la prensa](#) [Nicaragua: Forcible entry and search of *100% Noticias*, government’s second strike against press].

<sup>72</sup> IACHR. Special Rapporteurship for Freedom of Expression. August 18, 2021. Press release No. 216/21. [La CIDH, su RELE y OACNUDH condenan los reiterados ataques a la libertad de expresión en Nicaragua](#) [The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua]; *Voz de América*. August 13, 2021. [En fotos: ¿Cómo fue el allanamiento a diario La Prensa de Nicaragua?](#) [In pictures: How was the forcible entry and search of the newspaper *La Prensa* in Nicaragua?]; and CPJ. August 17, 2021. [La Policía nicaragüense allana la sede del diario La Prensa y detiene a su gerente general, Juan Lorenzo Holmann](#) [Nicaraguan police forcibly enter and search newspaper *La Prensa* and detain its general manager Juan Lorenzo Holmann].

<sup>73</sup> *Confidencial*. August 14, 2021. [Ortega acusa y condena a La Prensa y justifica golpe contra libertad de prensa](#) [Ortega accuses and condemns *La Prensa* and justifies strike against freedom of the press]; and *100% Noticias*. August 13, 2021. [Daniel Ortega ataca a LA PRENSA, dicta sentencia y los condena de “lavado de dinero”](#) [Daniel Ortega attacks *La Prensa*, issues judgment, and condemns ‘money laundering’].

<sup>74</sup> IACHR. Special Rapporteurship for Freedom of Expression. August 18, 2021. Press release No. 216/2021. [La CIDH, su RELE y OACNUDH condenan los reiterados ataques a la libertad de expresión en Nicaragua](#) [The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua].

<sup>75</sup> *La Prensa*. September 16, 2021. [La Prensa seguirá informando desde el sitio web](#) [La Prensa shall continue reporting news from its website]; and Artículo 66. September 15, 2021. [Diario La Prensa despide a trabajadores y periodistas después de un mes de ocupación policial](#) [Newspaper *La Prensa* dismisses employees and journalists after one month of police occupation].

<sup>76</sup> *La Prensa*. June 10, 2021. [La Prensa podría dejar de circular el próximo miércoles por retención de materia prima en Aduana](#) [La Prensa might stop circulating next Wednesday because of raw materials being withheld from newspaper *La Prensa*]; and *100% Noticias*. June 10, 2021. [Liberan embarque de papel retenido a Diario La Prensa](#) [Release of paper shipment withheld from newspaper *La Prensa*].

72. The IACHR learned about the different difficulties encountered by community radios in the current context in Nicaragua. According to information received, certain stations had stopped operating because of the lack of conditions and guarantees to exercise independent journalism and because of the lack of support from advertisers, because there was widespread fear among the advertisers that they would be targeted for retaliations.<sup>77</sup>

73. Since the political, economic, social, and human rights crisis broke out in Nicaragua in April 2018, there has been a growing escalation in smear statements and criminal charges being made by government leaders against independent media.<sup>78</sup> According to information reported, in 2021 Vice-President Rosario Murillo had labelled journalists as “media terrorists,”<sup>79</sup> “pandemic terrorists,”<sup>80</sup> “agents broadcasting malice and falsehoods,”<sup>81</sup> “forked tongues,”<sup>82</sup> “lying scum,”<sup>83</sup> “villainous, lying, and slanderous” communicators,<sup>84</sup> and “evil beings.”<sup>85</sup> This context of smearing had promoted various attacks, verbal assaults, and threats by individuals against journalists and media outlet professionals, including death threats.<sup>86</sup>

74. Throughout 2021, the IACHR has also documented diverse attacks and intimidation tactics against the press by government agents because of its work, in some cases hampering news coverage of

<sup>77</sup> 100% Noticias. May 3, 2021. [Apagón informativo en Nicaragua impuesto por Daniel Ortega contra la libertad de expresión](#) [News outage in Nicaragua imposed by Daniel Ortega against freedom of speech]; *Nicaragua Investiga*. October 4, 2021. [Solo seis medios independientes quedan en Bluefields](#); [Only six independent media outlets remain in Bluefields]; and Twitter account of *Voces del Sur* (@VDSorg), November 7, 2021 [7 de noviembre de 2021](#).

<sup>78</sup> *Nicaragua Investiga*. September 23, 2021. [CSE advierte sobre “sanciones” por denigrar a partidos](#) [CSE warns of ‘sanctions’ for disparaging parties]; *Nicaragua Investiga*. August 31, 2021. [Wálmaro Gutiérrez ataca nuevamente a medios independientes](#) [Wálmaro Gutiérrez again attack independent media outlets]; and 100% Noticias. June 14, 2021. [Ortega y Murillo van por apagón informativo, acusan a medios de “traición y conspiración” en documento enviado a diplomáticos](#) [Ortega and Murillo opt for news outage, accuse media of ‘treason and conspiracy’ in document sent to diplomats].

<sup>79</sup> *Nicaragua Actual*. May 6, 2021. [Rosario Murillo acusa de “terrorismo comunicacional” a los que denuncian a su gobierno](#) [Rosario Murillo accuses those criticizing her government of ‘media terrorism’].

<sup>80</sup> 100% Noticias. August 31, 2021. [Rosario Murillo acusa a médicos y medios de “terrorismo pandémico” y “comunicacional” al minimizar covid-19](#) [Rosario Murillo accuses physicians and media outlets of ‘pandemic terrorism’ and ‘media terrorism’ while minimizing COVID-19].

<sup>81</sup> Artículo 66. 9 de julio de 2021. [Rosario Murillo amenaza con hacer pagar a quienes difunden “malignidades y falsedades”](#) [Rosario Murillo threatens that those broadcasting ‘malice and falsehoods’ will pay for it].

<sup>82</sup> Artículo 66. July 8, 2021. [Rosario Murillo llama “lenguas fingidas” a periodistas independientes y celebra censura](#) [Rosario Murillo calls independent journalists ‘forked tongues’ and celebrates censorship].

<sup>83</sup> 100% Noticias. March 17, 2021. [Rosario Murillo tilda de “espuma mentirosa” denuncias contra su dictadura](#) [Rosario Murillo labels reports against her dictatorship as ‘lying scum’].

<sup>84</sup> 100% Noticias. March 1, 2021. [Rosario Murillo acusa a periodistas independientes de “infames, mentirosos y calumniadores”](#) [Rosario Murillo accuses independent journalists of being ‘villainous, liars, and slanderers’].

<sup>85</sup> *Nicaragua Investiga*. September 8, 2021. [Rosario Murillo tacha de “seres de maldad” a periodistas](#) [Rosario Murillo labels journalists as ‘evil beings’].

<sup>86</sup> *Nicaragua Investiga*. March 3, 2021. [Interceptan a repartidor del periódico La Prensa y lo despojan de los ejemplares](#) [Interception of *La Prensa* paperboy and theft of copies]; *Confidencial*. March 3, 2021. [Fanáticos orteguistas continúan amenazando de muerte a periodistas nicaragüenses](#) [Ortega fanatics continue to express death threats to Nicaraguan journalists]; 100% Noticias. February 28, 2021. [Periodista Wilih Narváez denuncia agresión a su familia de parte de seguidor de Daniel Ortega](#) [Journalist Wilih Narváez denounces aggression against his family by Daniel Ortega follower]; *Nicaragua Actual*. March 17, 2021. [Comentarista sandinista emite grave amenaza contra la periodista independiente Jennifer Ortiz](#) [Sandinista commentator issues serious threat against independent journalist Jennifer Ortiz]; *Radio Camoapa*. March 17, 2021. [Acosan y persiguen a periodista de canal 10 en mercado capitalino](#) [Canal 10 journalist is harassed and pursued in market of country’s capital]; 100% Noticias. March 30, 2021. [Fanático sandinista culpa a periodistas de canal 10 por alza de combustibles y sanciones a PetroniC](#) [Sandinista fanatic blames Canal 10 journalists for rise in fuel prices and sanctions against PETRONIC]; *La Prensa*. May 11, 2021. [Turba orteguista agrede y roba celular a fotoreportero Wilmer López en mercado Roberto Huembes](#) [Ortega-supporting crowd assault and rob cell phone of photojournalist Wilmer López in Roberto Huembes market]; Artículo 66. August 4, 2021. [Policía y motorizados sandinistas persiguen a presentadora de televisión Aminta Ramírez](#) [Police and motorized Sandinistas pursue television broadcaster Aminta Ramírez]; and Artículo 66. October 29, 2021. [Orteguistas amenazan a Wilmer Benavides, periodista de Artículo 66](#) [Ortega supporters threaten Wilmer Benavides, journalist of Artículo 66].

government events.<sup>87</sup> For example, on February 28, 2021, National Police troops had intimidated a team from *Confidencial* in the context of the event launching the candidacy of Félix Maradiaga, and they had stolen part of their working equipment.<sup>88</sup> On April 9, the police had taken the cellphone of the *La Prensa* journalist Carlos Larios while he was recording the announcements made by Nicaragua's presidential precandidates.<sup>89</sup> The journalist Alberto Miranda Herrera from *Literal – Periodismo Ciudadano* reported both verbal and physical assaults by police agents, in addition to death threats when he was doing his job.<sup>90</sup> As informed to the IACHR, after providing news coverage about the impact of COVID-19 in San Sebastián de Yalí, the reporter Jacdiel Rivera had been detained on May 5, 2021 for allegedly attempting to “destabilize the country.”<sup>91</sup>

75. The IACHR also took note of various reports of aggression and obstruction of news reporting activities in the framework of the detention of Cristiana Chamorro on June 2, 2021.<sup>92</sup> The journalist Mauricio Madrigal, press officer of *Canal 10*, had been prevented from leaving the country for an alleged active administrative measure, as he had been informed in the airport. They also informed him that his passport would have to remain in the safeguard of immigration authorities.<sup>93</sup>

76. The Commission continues to observe the use of the criminal categories of slander and libel to bring criminal charges against journalists. In February 2021, the journalist David Quintana had been declared guilty for the alleged crimes of slander and libel for having published information of public interest and was convicted to pay a 200-day fine. According to information received, the journalist had appealed the judgment, but the appeal had been dismissed.<sup>94</sup> In addition, the IACHR was apprised of the appeal filed by the

<sup>87</sup> Artículo 66. April 16, 2021. [Policía orteguista agrede a periodistas que daban cobertura a la UNAB](#) [Ortega-supporting police attacks journalists providing news coverage of UNAB]; *Nicaragua Actual*. April 16, 2021. [Policía orteguista agrede a Policía sandinista agrede y ultraja a periodistas en Managua](#) [Ortega-supporting police attacks Sandinista police and attacks and vilifies journalists in Managua]; *100% Noticias*. April 19, 2021. [Policía lanza orines, agrede a médico y periodistas en protesta de Alianza Cívica](#) [Police throws urine, attacks physician and journalists in Civic Alliance protest]; *La Prensa*. April 19, 2021. [Opositores y periodistas estuvieron retenidos por la Policía en sede de la UMN](#) [Dissidents and journalists were held by police at UMN head office]; *Despacho 505*. May 5, 2021. [Policía detiene y luego libera a periodista en San Sebastián de Yalí, Jinotega](#) [Police officer detains and then releases journalist in San Sebastián de Yalí, Jinotega]; *Despacho 505*. June 2, 2021. [Policía Orteguista reprime a periodistas e impide que registren arresto de Cristiana Chamorro](#) [Ortega-supporting police block journalists and prevent them from recording arrest of Cristiana Chamorro]; *100% Noticias*. June 2, 2021. [Policía agrede a periodistas que cubren captura de Cristiana Chamorro](#) [Police assaults journalists providing news coverage of arrest of Cristiana Chamorro]; and *La Prensa*. August 20, 2021. [Policía orteguista roba al celular al periodista independiente William Aragón](#) [Ortega-supporting police robs cell phone of independent journalist William Aragón].

<sup>88</sup> *Confidencial*. February 28, 2021. [Policía catea a periodistas de CONFIDENCIAL y secuestra una libreta de notas](#) [Police searches journalists from *Confidencial* and takes notebook]; and Artículo 66. February 28, 2021. [Policía amenaza y agrede en «espionaje ilegal» contra periodistas](#) [In ‘unlawful spying’ police threaten and attack journalists].

<sup>89</sup> *La Prensa*. April 9, 2021. [Policía retiene a equipo de LA PRENSA en cobertura de salida de precandidatos presidenciales en el aeropuerto](#) [Police detain *La Prensa* team when providing news coverage of departure of presidential precandidates at airport]; and *100% Noticias*. April 9, 2021. [Policía arrebató celular a periodista de La Prensa al cubrir retención de precandidatos presidenciales en aeropuerto](#) [Police grab cell phone from *La Prensa* journalist when providing news coverage of detention of presidential precandidates at airport].

<sup>90</sup> *Literal Nicaragua*. April 15, 2021. [Policías agreden al periodista Alberto Miranda de Literal Periodismo Ciudadano](#) [Police assault journalist Alberto Miranda of *Literal Periodismo Ciudadano*]; and Artículo 66. April 15, 2021. [Policía Orteguista amenaza al periodista Alberto Miranda: “Si te veo otra vez en la calle, te voy a turquear”](#). [Ortega-supporting police threatens journalist Alberto Miranda: ‘If I see you again in the street, I’m going to beat you up’].

<sup>91</sup> *Despacho 505*. May 5, 2021. [Policía detiene y luego libera a periodista en San Sebastián de Yalí, Jinotega](#) [Police detains and then releases journalist in San Sebastián de Yalí, Jinotega]; and *Nicaragua Actual*. May 5, 2021. [Policía sandinista de Yalí detiene ilegalmente a periodista de Canal 10](#) [Sandinista police of Yalí unlawfully detain Canal 10 journalist].

<sup>92</sup> *100% Noticias*. June 2, 2021. [Policía agrede a periodistas que cubren captura de Cristiana Chamorro](#) [Police attack journalists providing news coverage of arrest of Cristiana Chamorro]; and *Fundamedios*. June 2, 2021. [Policía agrede a periodistas durante allanamiento a Cristiana Chamorro](#) [Police attack journalists during forcible entry and search of house of Cristiana Chamorro].

<sup>93</sup> Artículo 66. September 29, 2021. [Mauricio Madrigal de Canal 10: «El que no la debe, no la teme»](#). [Mauricio Madrigal of *Canal 10*: ‘He who has nothing to do with it has nothing to fear’].

<sup>94</sup> *Confidencial*. February 17, 2021. [Orteguismo impone multa económica contra periodista en Nicaragua](#) [Ortega regime impose fine on journalist in Nicaragua]; *SwissInfo*. February 17, 2021. [Juez impone multa de 387 dólares a periodista crítico de Ortega en Nicaragua](#) [Judge sentences journalist critical of Ortega to pay \$387 fine in Nicaragua]; and *100% Noticias*. April 8, 2021. [Periodista David Quintana colecta para pagar multa, tras ratificación de sentencia](#) [Journalist David Quintana collects to pay fine after judgment upheld].



journalist Kalúa Salazar in the court proceedings for defamation against her after she had reported on alleged cases of corruption in the mayor's office of El Rama. According to information received, the conviction involving payment of a 120-day fine had been upheld.<sup>95</sup>

77. Furthermore, in 2021, the IACHR has also been able to monitor a rise in denying foreign journalists and correspondents from international media outlets entry into Nicaragua, which had become more marked especially in the weeks leading up to the presidential elections. The IACHR learned of the alleged obstacles to entry of journalists from the U.S. newspaper *The New York Times* in June, a news team from Spanish television *Televisión Española* in July, journalists from the French media outlet *Le Monde*, and journalists from the Honduran media outlet *El Heraldo* in October.<sup>96</sup> When the team from *El Heraldo* was refused entry, as this Office was informed, the immigration authorities had required them to leave Nicaragua "because their presence was not allowed."<sup>97</sup> On November 3, 2021, troops from the Nicaraguan Army had forbidden a team from *Televisión Española* from filming in or toward Nicaraguan territory when they were in El Mojón, a border area between Nicaragua and Costa Rica known as a free trade and transit area.<sup>98</sup> According to available information, although the team from *Televisión Española* were in Costa Rican territory, the army troops had told them they were forbidden to focus their cameras on Nicaragua and that they had to delete any recording made. The IACHR also learned that, on November 6, 2021, a journalist from *The Washington Post* had been prevented from taking a flight departing from Mexico City and heading to Managua, supposedly because she was not authorized by the government to enter the country.<sup>99</sup>

78. The IACHR was concerned over the multiple reports it had received on restrictions on the freedom of the press in the context of the election, such as obstacles to the accreditation of journalists for news coverage of the election by the CSE; obstacles imposed on the work of independent media outlets; the ban on reporters coming close to the polling stations; acts of harassment against the media and journalists; the temporary detention of journalists and the taking of their personal and professional equipment; the obligation of broadcasting nationwide a speech delivered by the President on election day; the transmission of electoral propaganda on government-run media outlets, in breach of the country's own electoral laws; and the expulsion and denial of entry of international press that had travelled to provide news coverage of the elections.<sup>100</sup>

<sup>95</sup> *Artículo 66*. June 28, 2021. [Justicia orteguista rechaza recurso de apelación en favor de la periodista Kalúa Salazar](#) [Ortega judiciary dismisses appeal for journalist Kalúa Salazar]; and *100% Noticias*. March 9, 2021. [Realizan audiencia de apelación del caso de la periodista Kalúa Salazar](#) [Hearing held for appeal in case of journalist Kalúa Salazar].

<sup>96</sup> *The New York Times*. June 17, 2021. [Nicaragua Denies Entry to New York Times Journalist Amid Escalating Crisis](#); *Artículo 66*. July 3, 2021. [Dictadura de Ortega niega acceso a televisión pública de España a Nicaragua](#) [Ortega dictatorship denies access of Spain's public television station to Nicaragua]; *Nicaragua Investiga*. October 22, 2021. [Impiden a periodista de "Le Monde" ingresar a Nicaragua](#) [*Le Monde* journalist prevented from entering Nicaragua]; and *Nicaragua Investiga*. October 27, 2021. [Ortega expulsa a un equipo periodístico de diario hondureño](#) [Ortega expels team of journalists from Honduran daily newspaper].

<sup>97</sup> *Nicaragua Investiga*. October 27, 2021. [Ortega expulsa a un equipo periodístico de diario hondureño](#); [Ortega expels team of journalists of Honduran newspaper]; and *La Prensa*. October 29, 2021. [Régimen de Ortega le cierra las puertas de Nicaragua a la prensa internacional de cara a las elecciones](#) [Ortega regime closes access to Nicaragua for international press in view of elections].

<sup>98</sup> *100% Noticias*. November 3, 2021. [Dictadura de Nicaragua niega entrada a periodistas de Televisión Española](#) [Nicaragua dictatorship denies *Televisión Española* journalists entry]; and *Artículo 66*. November 3, 2021. [Televisión Española denuncia que dictadura orteguista impidió su entrada a Nicaragua](#) [*Televisión Española* denounces that Ortega dictatorship prevented its entry into Nicaragua].

<sup>99</sup> *La Prensa*. November 5, 2021. [Régimen prohíbe la entrada a corresponsal del Washington Post que iba a cubrir las elecciones](#) [Regime forbids entry of *Washington Post* correspondent intending to provide news coverage of elections]; and *100% Noticias*. November 5, 2021. [Nicaragua prohíbe la entrada a periodista de Washington Post que venía a cubrir las votaciones de este domingo](#) [Nicaragua forbids entry of *Washington Post* correspondent who intended to provide new coverage of elections this Sunday].

<sup>100</sup> IACHR. November 10, 2021. Press release No. 300/21. [La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#) [IACHR Condemns Human Rights Violations Reported during elections in Nicaragua]; *Nicaragua Investiga*. September 16, 2021. [Pérdidas millonarias a televisiones y radios que se enlazan a discursos de Ortega](#) [Losses running into millions for television and radio stations broadcasting Ortega's speeches]; *100% Noticias*. October 19, 2021. [Trabas a periodistas para cubrir votaciones en Nicaragua, ni acreditación ni seguridad](#) [Obstacles for journalists covering elections in Nicaragua, no accreditation, no security]; *Voz de América*. October 18, 2021. [Periodistas, sin acreditación y sin garantías de seguridad para las elecciones en Nicaragua](#) [Journalists without accreditation or security guarantees for elections in Nicaragua]; *Despacho 505*. November 1, 2021. [Nicaragua arranca la fase final de un proceso electoral sin acceso a cobertura periodística](#) [Nicaragua launches final stage of elections without access for news



79. According to information received, on November 7, 2021, the journalists Mileydi Trujillo and Elvin Martínez had been detained while they were providing news coverage of the elections in the city of Masay. They were taken to a police station for their statements to be taken and where they remained close to three hours. According to what they reported publicly, the police had seized their equipment, and had interrogated them for long hours about their news reporting activities, pointing to them as “promoters of the no vote” among the citizenry.<sup>101</sup> Likewise, the NGO Independent Journalists and Media Workers of Nicaragua (*Periodistas y Comunicadores Independientes de Nicaragua—PCIN*) had documented at least 52 assaults on the press since October 25 and up to November 7.<sup>102</sup> According to official information, at least 600 journalists had been accredited to provide news coverage of election day<sup>103</sup> and, according to the president of the Supreme Electoral Council, election day had taken place quietly.<sup>104</sup>

80. The Commission reiterates that these kinds of action constitute serious attacks and undue constraints on the right to freedom of expression and, in some cases, are tantamount to censorship. All of this not only undermines the rights of journalists and media outlet owners to perform their work freely, safely, and independently, but also the right of all citizens to have access to the largest amount of information and ideas possible.

81. The IACHR has been able to observe a substantial rise in the self-censorship effect, largely promoted by the fear of enforcement of the Law on Cybercrimes and the exiling of journalists.<sup>105</sup> According to information received, at least 22 journalists and media professionals have been exiled to Costa Rica since June 2021.<sup>106</sup> The Commission underscores in particular the cases of the journalist Patricia Orozco, who had left the country after reporting the expropriation of the house the government had given her family for 36 years;<sup>107</sup> and the journalist Carlos Chamorro, after the National Police forcibly entered and searched his home on June

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coverage]; Twitter account of *La Prensa* (@laprensa), November 7, 2021. [7 de noviembre de 2021](#); Twitter account of *República 18* (@18republica), November 7, 2021. [7 de noviembre de 2021](#); *Infobae*. November 8, 2021. [Entre abstencionismo y represión se realizó la jornada electoral en Nicaragua calificada de “farsa” que lleva a Daniel Ortega a reelegirse otra vez](#) [Between absenteeism and repression elections are held in Nicaragua labeled as ‘farce’ leading to Daniel Ortega’s reelection yet again]; *Confidencial*. November 7, 2021. [#Nicaragua7N | Costa Rica no reconoce votaciones del 7 de noviembre en Nicaragua](#) [Costa Rica does not recognize November 7 elections in Nicaragua]; *Despacho 505*. November 7, 2021. [Policía Orteguista retiene y luego libera a periodistas del medio digital Masaya al Día](#); [Ortega-supporting police detains and then releases journalists of digital media outlet Masaya al Día]; and Twitter account of journalist Marcos Medina Ramos, November 7, 2021. [7 de noviembre de 2021](#).

<sup>101</sup> *Confidencial*. November 7, 2021. [#Nicaragua7N | Costa Rica no reconoce votaciones del 7 de noviembre en Nicaragua](#) [Costa Rica does not recognize November 7 elections in Nicaragua]; and *Artículo 66*. November 7, 2021. [Policía del régimen retiene a periodistas Mileydi Trujillo y Elvin Martínez durante cobertura electoral](#) [Police of regime detain journalists Mileydi Trujillo and Elvin Martínez during news coverage of election].

<sup>102</sup> *Intertextual / Youtube*. November 9, 2021. [Conferencia de Prensa : Presentación de Informe PCIN](#) [Press Conference: Presentation of PCIN Report]; and *La Prensa*. November 10, 2021. [PCIN reporta ocho desplazamientos forzados de periodistas durante la jornada electoral](#) [PCIN reports eight forced displacements of journalists during election day].

<sup>103</sup> Account of the Supreme Electoral Council of Nicaragua (@cse\_nicaragua), November 6, 2021. [6 de noviembre de 2021](#).

<sup>104</sup> *Sputnik News*. November 7, 2021. [Las elecciones en Nicaragua se realizan “de una manera tranquila”](#) [Elections in Nicaragua take place ‘quietly’].

<sup>105</sup> *La Prensa*. September 2021. [Informe de Violaciones a la Libertad de Prensa-Septiembre de 2021](#) [Report on Freedom of the Press Violations, September 2021]; *Nicaragua Investiga*. June 30, 2021. [Periodista Wilfredo Miranda se resguarda por seguridad](#) [Journalist Wilfredo Miranda hides for his safety]; and *CPJ*. November 2, 2021. [Ocho amenazas contra la libertad de prensa a las que se debe prestar atención con vistas a las elecciones presidenciales en Nicaragua](#) [Eight threats against freedom of the press that must be paid attention to in view of presidential elections].

<sup>106</sup> Archives of the Rapporteurship. List of Nicaraguan journalists exiled since June 2021.

<sup>107</sup> *Artículo 66*. August 24, 2021. [Periodista Patricia Orozco, desde el exilio, denuncia que dictadura de Nicaragua le expropió su casa](#) [Journalist Patricia Orozco denounces from exile that Nicaragua dictatorship expropriated her house]; and *Confidencial*. August 24, 2021. [Régimen desaloja y confisca la casa de la periodista Patricia Orozco](#) [Regime evicts and confiscates house of journalist Patricia Orozco].

21, 2021.<sup>108</sup> Other cases that were reported to the public include the journalists and media workers Wilfredo Miranda,<sup>109</sup> Jennifer Ortiz,<sup>110</sup> Sergio Ramírez,<sup>111</sup> Denis Castellon,<sup>112</sup> Jacksell Herrera,<sup>113</sup> Octavio Enríquez,<sup>114</sup> Marisol Balladares,<sup>115</sup> Iván Olivares,<sup>116</sup> David Quintana,<sup>117</sup> Julio Lopez,<sup>118</sup> Sergio Marín,<sup>119</sup> and Leticia Gaitán.<sup>120</sup>

82. In view of the above-mentioned context, after taking into consideration the situation of imminent risk to their rights to life and personal integrity, in 2021 the IACHR granted precautionary measures for the benefit of the journalists Miguel Mora, his son Miguel Anjo Mendonza Urbina, and his family,<sup>121</sup> Kalúa

<sup>108</sup> *Confidencial*. June 22, 2021. [Carlos F. Chamorro: "El objetivo era capturarme" y "silenciarme"](#) [Carlos F. Chamorro: 'The objective was to capture me' and 'silence me']; and *Voz de América*. June 22, 2021. [El periodista Carlos Fernando Chamorro sale de Nicaragua](#). [Journalist Carlos Fernando Chamorro leaves Nicaragua].

<sup>109</sup> *100% Noticias*. October 31, 2021. [Periodista Wilfredo Miranda se exilia en Costa Rica por persecución de Daniel Ortega](#); [Journalist Wilfredo Miranda goes into exile in Costa Rica because of persecution by Daniel Ortega]; and *El País*. October 31, 2021. [Tuve que exiliarme otra vez de Nicaragua / Internacional](#) [Once again I've had to go into exile from Nicaragua / International].

<sup>110</sup> *100% Noticias*. October 30, 2021. ["Ortega es un paupérrimo líder en decadencia" dice periodista exiliado](#) ['Ortega is a pathetic leader in decline' says exiled journalist]; and *Artículo 66*. October 30, 2021. ["Ortega es un paupérrimo líder en decadencia", dice periodista nicaragüense Jennifer Ortiz](#) [Nicaraguan journalist Jennifer Ortiz says 'Ortega is a pathetic leader in decline'].

<sup>111</sup> *Confidencial*. October 25, 2021. [Sergio Ramírez: "Se me ha enjuiciado por mostrar la realidad de un país sometido"](#) [Sergio Ramírez: 'I was put on trial for showing reality of a submissive country']; and *Deutsche Welle*. October 23, 2021. [Escritor nicaragüense Sergio Ramírez se exilia en España](#) [Nicaraguan writer Sergio Ramírez goes into exile in Spain].

<sup>112</sup> *100% Noticias*. October 22, 2021. ["Locuín", quien hace parodias de Rosario Murillo se exilia tras amenazas de la dictadura](#) ['Locuín' who parodies Rosario Murillo goes into exile after receiving threats from dictatorship]; and *Nicaragua Actual*. October 22, 2021. [Se exilia Locuín, el joven que ridiculiza a Rosario Murillo](#) [Locuín, young man who makes fun of Rosario Murillo, goes into exile].

<sup>113</sup> *Artículo 66*. August 23, 2021. [El periodista Jacksell Herrera se exilia y solicita asilo político en Estados Unidos](#) [Journalist Jacksell Herrera goes into exile and seeks political asylum in United States]; and *Nicaragua Actual*. August 23, 2021. [Se exilia periodista de Nicaragua Actual por amenazas de muerte de fanáticos y policías de Ortega](#) [Journalist of Nicaragua Actual goes into exile because of death threats from Ortega fanatics and police].

<sup>114</sup> *100% Noticias*. August 20, 2021. [Periodista investigador Octavio Enríquez sale de Nicaragua](#) [Investigative journalist Octavio Enríquez leaves Nicaragua]; and *Artículo 66*. August 20, 2021. [Periodista Octavio Enríquez sale de Nicaragua por amenazas de ser encarcelado](#) [Journalist Octavio Enríquez leaves Nicaragua because of prison threats].

<sup>115</sup> *Fundamedios*. August 11, 2021. [Marisol Balladares lucha por ingresar a los Estados Unidos](#) [Marisol Balladares fights to enter United States]; and *100% Noticias*. August 13, 2021. [Fundamedios: Periodista Marisol Balladares y su hija huyen de Nicaragua, luchan por ingresar a EEUU](#) [Fundamedios: Journalist Marisol Balladares and her daughter flee Nicaragua, fight to enter USA].

<sup>116</sup> *Despacho 505*. August 6, 2021. [Periodista de Confidencial se exilia por segunda vez](#) [Journalist of Confidencial goes into exile for second time]; and *Artículo 66*. August 5, 2021. [Carta abierta al Ministerio Público](#) [Open letter to the Office of the Attorney General].

<sup>117</sup> *100% Noticias*. July 5, 2021. [Periodista David Quintana oficializa su exilio, por amenazas de sandinistas](#) [Journalist David Quintana officially declares his exile because of threats from Sandinistas]; and *Nicaragua Actual*. July 5, 2021. [David Quintana "La narrativa de odio de Ortega-Murillo, me obliga a pedir refugio en Centroamérica"](#) [David Quintana: 'Ortega-Murillo's hate narrative forces me to seek asylum in Central America'].

<sup>118</sup> *Confidencial*. June 25, 2021. [Periodista Julio López, de Onda Local, sale al exilio](#) [Journalist Julio López from Onda Local goes into exile]; and *100% Noticias*. June 24, 2021. [Periodista Julio López de Onda Local se exilia](#) [Journalist Julio López from Onda Local goes into exile].

<sup>119</sup> *100% Noticias*. June 22, 2021. [Periodista Sergio Marín se exilia ante ola de amenazas del régimen](#) [Journalist Sergio Marín goes into exile in view of tide of threats from regime]; and *Nicaragua Investiga*. June 25, 2021. [Otra vez periodistas nicaragüenses parten al exilio por amenazas en su contra](#) [Nicaraguan journalists go into exile again because of threats against them].

<sup>120</sup> *100% Noticias*. April 13, 2021. [Leticia Gaitán: "había orden de captura para mí, entonces decidí salir de Nicaragua"](#) [Leticia Gaitán: 'There was an arrest warrant for me, so I decided to leave Nicaragua']; and *Latino Reportes*. July 12, 2021. [Periodistas nicaragüenses se enfrentan al exilio, amenazas y persecución política indefinida](#) [Nicaraguan journalists are facing exile, threats, and indefinite political persecution].

<sup>121</sup> IACHR. August 11, 2021. Resolution 61/21. [Medida cautelar No. 873/18](#). Precautionary Measure No. 873/18. Miguel de los Ángeles Mora Barberena regarding Nicaragua (Extension).

Salazar,<sup>122</sup> Willih Francisco Narváez González,<sup>123</sup> Alberto José Miranda Herrera,<sup>124</sup> Georgina Roxana Vargas Clarens,<sup>125</sup> and Javier Iván Olivares.<sup>126</sup> The IACHR also granted precautionary measures for the benefit of Mariano Valle Peters,<sup>127</sup> owner of Nicavisión S. A., the company owning *Canal 12*, and requested the state to refrain from proceeding with the decision to auction off or sell the media outlet until an appraisal was made of the impact that the decision would have on Mr. Valle Peters's exercise of his right to freedom of expression. As the Special Rapporteurship indicated in its 2020 Annual Report the media outlet might have to shut down because of embargos imposed on it for tax arrears allegations.

83. The IACHR and its Rapporteurship recall that their Declaration of Principles on Freedom of Expression deems that freedom of expression is "an indispensable requirement for the very existence of a democratic society" and establishes that "[r]estrictions to the free circulation of ideas and opinions, as well as the arbitrary imposition of information and the imposition of obstacles to the free flow of information, violate the right to freedom of expression" and that "[d]irect or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression."

## B. Shutting Down Civic Forums

84. The Nicaraguan government has fostered the drastic closure of civic forums and installed a police state, in which protests and any legitimate expression against the government are not tolerated and in which punitive statutes are enforced disproportionately and discretionarily against dissident voices. In the framework of the pandemic, the IACHR has also been concerned about the state's lack of transparency, compounded by persecution, threats, and harassment against physicians and any bodies seeking to provide information about the health crisis. The opacity of public information has also become evident in connection electoral matters. Civil society organizations are working in a stifling environment, with the constant threat of having their legal status removed or the imposition of abusive requirements in order to operate.<sup>128</sup>

85. The IACHR is monitoring with special concern the evolution of the investigation into the Violeta Barrios de Chamorro Foundation for alleged money laundering in connection with the use of international cooperation funding, with the enforcement of the Law against Money Laundering, the Financing of Terrorism, and the Financing of the Proliferation of Weapons of Mass Destruction. In this context, the IACHR monitored with concern the house arrest of Cristiana Chamorro, the Foundation's director and founder. The journalist and presidential precandidate had been detained on June 3 on charges of mismanagement, negligent falsehoods, and the laundering of money, property, and assets.<sup>129</sup> The organization's managerial staff Walter

<sup>122</sup> IACHR. Resolution 47/21. [Medida Cautelar No. 366/21](#). Precautionary Measure No. 366/21. Kalúa Salazar and her family regarding Nicaragua.

<sup>123</sup> IACHR. Resolution 52/21. [Medidas Cautelares No. 311/21 y 462/21](#). Precautionary Measures Nos. 311/21 and 462/21. Willih Francisco Narváez González and Alberto José Miranda Herrera regarding Nicaragua.

<sup>124</sup> IACHR. Resolution 52/21. [Medidas Cautelares No. 311/21 y 462/21](#). Precautionary Measures Nos. 311/21 and 462/21. Willih Francisco Narváez González and Alberto José Miranda Herrera regarding Nicaragua.

<sup>125</sup> IACHR. Resolution 70/21. [Medidas Cautelares No. 1061/20](#). Precautionary Measure No. 1061/20. Georgina Roxana Vargas Clarens regarding Nicaragua.

<sup>126</sup> IACHR. Resolution 31/21. [Medidas cautelares No. 1606/18](#). Precautionary Measure No. 1606/18. Javier Iván Olivares regarding Nicaragua (Extension).

<sup>127</sup> IACHR. Resolution 3/21. [Medidas Cautelares No. 968/20](#). Precautionary Measure No. 968/20. Mariano Valle Peters regarding Nicaragua.

<sup>128</sup> CNN. July 28, 2021. [La Asamblea Nacional de Nicaragua cancela la personería jurídica a 24 organismos civiles, incluidas asociaciones médicas](#) [National Assembly of Nicaragua removes legal status of 24 civil organizations, including medical associations]; and CNN. August 26, 2021. [Nicaragua: cancelan personería jurídica a 15 ONG más](#) [Nicaragua: Removal of legal status of 15 more NGOs].

<sup>129</sup> *El Observador*. June 2, 2021. [Fiscalía ordena el allanamiento y detención de la candidata opositora nicaragüense, Cristiana Chamorro](#); [Prosecution orders forcible search and detention of Nicaraguan dissident candidate, Cristiana Chamorro]; and BBC. June 2, 2021. [Cristiana Chamorro: la aspirante presidencial opositora queda bajo arresto domiciliario en Nicaragua después de que se ordenara su detención](#) [Cristiana Chamorro, dissident presidential hopeful under house arrest in Nicaragua after she was ordered detained].

Antonio Gómez Silva and Marcos Antonio Fletes Casco and former board director Pedro Joaquín Chamorro Barrios were also brought to trial and remained in preventive custody in the framework of said investigation.<sup>130</sup> The IACHR granted precautionary measures for the benefit of these persons<sup>131</sup> and requested the Inter-American Court to issue provisional measures for their protection, which were granted on November 4.<sup>132</sup>

86. Also, on June 20, 2021, the journalist and presidential precandidate Miguel Mora, owner and former director of the television station *100% Noticias*, was detained on charges of having “instigated foreign interference in domestic matters and requested military interventions,” on the basis of Law 1055 for Defense of the Rights of the People to Independence, Sovereignty, and Self-Determination for Peace.<sup>133</sup> According to the information reported, similar to the reporter Miguel Mendoza and other political figures of the opposition, Miguel Mora is in the penitentiary of El Chipote, in Managua, being charged in court proceedings without the observance of due procedural guarantees.<sup>134</sup> His family members have complained that they are concerned for his health and safety. On October 22, 2021, a court order had indefinitely interrupted the limit for the preventive detention of Miguel Mora, according to public information.<sup>135</sup>

87. The IACHR also noted with concern the detention of the journalist, political commentator, and presidential precandidate Jaime Arellano Arana on July 24, 2021, who had been put under house arrest on the basis of the same law and is being held incommunicado.<sup>136</sup>

88. The prosecution of any discourse that challenges or criticizes government spokespersons has also become evident against young people actively participating in public life via their social media. On February 22, 2021, the IACHR granted precautionary measures for the benefit of Kevin Adrián Monzón Mora and his family members deeming that, because of his postings on the TikTok social network, he would be exposed to threats, harassment, intimidation, and acts of violence in Nicaragua.<sup>137</sup> Kevin Monzón is well known for posting messages against corruption and reporting human rights violations and had already been detained on previous occasions between August 2019 and December 2020. Despite precautionary measures granted by the IACHR for his benefit, there was information about the continuation of harassment and violence against him. Among the several incidents reported,<sup>138</sup> including his expulsion and that of his family from public

<sup>130</sup> *Onda Local*. May 29, 2021. [Extrabajadores de la Fundación Violeta Barrios investigados bajo prisión](#); [Former employees of the Violeta Barrios Foundation investigated while in prison]; and *Deutsche Welle* (DW). September 3, 2021. [Justicia de Nicaragua envía a juicio a opositora](#) [Judiciary of Nicaragua sends dissident to trial].

<sup>131</sup> IACHR. Resolution 49/21. [Medida cautelar No. 480/21](#). Precautionary Measure No. 480/21. Cristiana María Chamorro Barrios and others regarding Nicaragua; and IACHR. Resolution 58/21. [Medida cautelar No. 480/21](#). Precautionary Measure No. 480/21. Pedro Salvador Vásquez (Extension) regarding Nicaragua.

<sup>132</sup> I/A Court H.R. November 4, 2021. [Juan Sebastián Chamorro y Otros respecto de Nicaragua](#). Juan Sebastián Chamorro and others regarding Nicaragua. Extension of Provisional Measures.

<sup>133</sup> *France 24*. June 21, 2021. [Detenido Miguel Mora, el quinto precandidato a la Presidencia de Nicaragua](#) [Fifth presidential precandidate of Nicaragua Miguel Mora is detained]; and *Deutsche Welle* (DW). June 21, 2021. [Detenido quinto precandidato presidencial en Nicaragua](#) [Fifth presidential precandidate in Nicaragua is detained].

<sup>134</sup> IACHR. Special Rapporteur for Freedom of Expression. August 18, 2021. Press release No. 216/21. [La CIDH, su RELE y OACNUDH condenan los reiterados ataques a la libertad de expresión en Nicaragua](#) [The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua].

<sup>135</sup> *100% Noticias*. October 22, 2021. [Juez interrumpe de forma indefinida plazo máximo de duración del proceso de Miguel Mora](#). [Judge suspends indefinitely the maximum time-limits for the duration of Miguel Mora’s trial].

<sup>136</sup> *BBC*. July 25, 2021. [Arrestan al séptimo precandidato presidencial en Nicaragua antes de las elecciones](#) [Seventh presidential precandidate in Nicaragua is arrested before the elections]; and IACHR. October 12, 2021. Resolution 82/21. [Medida cautelar No. 206/20](#). Precautionary Measure No. 206/20 in favor of Jaime José Arellano Arana regarding Nicaragua.

<sup>137</sup> IACHR. Resolution 16/21. [Medida Cautelar No. 907/20](#). Precautionary Measure No. 907/20 in favor of Kevin Adrián Monzón Mora and his family regarding Nicaragua.

<sup>138</sup> *Nicaragua Actual*. [Tiktoker opositor, Kevin Monzón, denuncia nuevo allanamiento policial en su vivienda](#) [Dissident TikTok Kevin Monzón denounces new police entry and search of his house]; *Artículo 66*. September 22, 2021. [Policía allana casa del «tiktok» Kevin Monzón, golpea a sus familiares e intentan detenerlo](#) [Police forcibly enter and search house of “TikTok” Kevin Monzón, beat his



places,<sup>139</sup> the Rapporteurship stresses in particular the alleged assaults against him by the Police on July 20, 2021, and the forcible entry and search of his residence.<sup>140</sup> As reported by Kevin Monzón, in that context, police officers had threatened to shoot him if he fled.

89. The IACHR, its Special Rapporteurship for Freedom of Expression, and the Regional Office of the United Nations High Commissioner for Human Rights for Central America and the Dominican Republic (OHCHR) energetically condemned the reiterated acts of persecution by Nicaraguan authorities against legitimate expressions and urged the government to cease any conduct that would undermine the rights of these persons.<sup>141</sup>

90. The harassment, censorship, smear tactics and persecution and the detentions and arbitrary legal proceedings filed against the media, journalists, and civil society organizations defending human rights and freedom of the press are incompatible with the protection of the right to freedom of expression and create a widespread climate of fear and self-censorship. In the framework of an electoral process, they are also especially serious and incompatible with democracy and international human rights obligations.

91. As indicated in the Rapporteurship's Annual Report for 2020, the National Assembly of Nicaragua, largely controlled by members of the ruling political party, continued in 2021 to adopt a series of laws that give legitimacy to abusive practices and impose serious constraints on the rights to freedom of expression and freedom of assembly and association. On January 18, 2021, it enacted the amendment to Article 37 of the Political Constitution, punishing "hate crimes" with sentences of life imprisonment."<sup>142</sup> In follow-up to enactment of the Law Governing Foreign Agents in 2020 and the successive ministerial regulations adopted for its implementation,<sup>143</sup> the IACHR learned that, in February 2021, the Violeta Chamorro Foundation and PEN Nicaragua announced that they would be suspending their activities indefinitely because of the excessive conditions and obligations being required by said law and regulations.<sup>144</sup> Likewise, the Permanent Human

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family members, and attempt to detain him]; *Despacho 505*. June 13, 2021. [Tiktoker crítico de Ortega y Murillo denuncia asedio de paramilitares y policías](#) [TikToker who criticizes Ortega and Murillo denounces barricade by paramilitary and police]; and *La Prensa*. April 21, 2021 [Barricade by police and fanatics of regime causes dismissal of TikToker Kevin Monzón] [Asedio de policías y fanáticos del régimen causan despido del tiktoker Kevin Monzón](#).

<sup>139</sup> *100% Noticias*. April 4, 2021. [Policía desaloja de balneario a tiktoker Kevin Monzón opositor a régimen de Daniel Ortega](#) [Police evict TikToker Kevin Monzón, who opposes Daniel Ortega regime, from resort]; *Artículo 66*. April 4, 2021. [Policía expulsa al «tiktok» Kevin Monzón de un balneario en Rivas «por ser golpista y terrorista»](#) [Police expel TikToker Kevin Monzón from a resort in Rivas 'for being a coup leader and terrorist'].

<sup>140</sup> *Despacho 505*. July 21, 2021. [El tiktoker Kevin Monzón no está dispuesto a callar ni a huir por las amenazas del régimen](#) [TikToker Kevin Monzón is not ready to keep quiet or flee because of threats from regime]; *Despacho 505*. July 20, 2021. [Policía Ortegaísta allana la casa del «tiktok» Kevin Monzón, crítico de la dictadura](#) [Police officer loyal to Ortega forcibly enters and searches house of TikToker Kevin Monzón, critic of dictatorship]; *100% Noticias*. July 20, 2021. [Colectivo de Derechos Humanos Nicaragua denuncia agresión policial contra el tiktoker Kevin Monzón](#) [Nicaragua Human Rights Collective condemns attempt to kidnap TikToker Kevin Monzón]; and *Artículo 66*. July 20, 2021. [Cenidh condena intento de secuestro contra el «tiktok» Kevin Monzón](#) [CENIDH condemns attempt to kidnap TikToker Kevin Monzón]; *Artículo 66*. July 20, 2021. [Policía Ortegaísta intenta secuestrar al «tiktok» Kevin Monzón](#) [Ortega supporter police officer attempts to kidnap TikToker Kevin Monzón]; and *La Prensa*. July 20, 2021 [Police officer attempts, for the fourth time, to arrest young dissident Kevin Monzón, but his father jumped to his defense] [Policía intenta arrestar por cuarta vez al joven opositor Kevin Monzón, pero su padre salió en su defensa](#).

<sup>141</sup> IACHR. Special Rapporteurship for Freedom of Expression. August 18, 2021. Press release No. 216/21. [La CIDH, su RELE y OACNUDH condenan los reiterados ataques a la libertad de expresión en Nicaragua](#) [The IACHR, RFOE, and OHCHR Condemn the Repeated Attacks on Freedom of Expression in Nicaragua].

<sup>142</sup> *CNN*. January 18, 2021. [Asamblea Nacional de Nicaragua ratifica reforma constitucional que establece prisión perpetua por «crímenes de odio»](#) [National Assembly of Nicaragua ratifies amendment to the Constitution that establishes life imprisonment for 'hate crimes']; and *Swissinfo*. January 19, 2021. [Entra en vigor la cadena perpetua en Nicaragua en medio de críticas](#) [Life imprisonment comes into force in Nicaragua in the midst of criticism].

<sup>143</sup> IACHR. February 26, 2021. Press release No. 043/21. [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua's Foreign Agents Act and Calls on the State to Repeal It].

<sup>144</sup> *Associated Press*. February 5, 2021. [Fundación Violeta Chamorro cierra en Nicaragua debido a ley](#) [Violeta Chamorro Foundation in Nicaragua closes because of law]; and *Confidencial*. February 4, 2021. [Carta abierta sobre la decisión de suspender de forma indefinida PEN Nicaragua](#) [Open letter on the decision to suspend PEN Nicaragua indefinitely].



Rights Commission denounced that, despite attempting by all possible means to comply with the law, the authorities had placed several different regulatory obstacles to its attempts and would not certify their conformity, thus preventing it from registering the institution.<sup>145</sup> The IACHR has underscored that the Law on Foreign Agents is contrary to inter-American standards and constitutes an abusive instrument aimed to tear apart the social fabric, including independent media outlets and civil society organizations.<sup>146</sup>

92. In its report “Nicaragua: Concentration of power and undermining the Rule of Law,” the IACHR stressed that, since 2018, a series of repressive measures and actions have been imposed to restrict the exercise of the right to peaceful assembly, as well as to harass and criminalize persons opposing the government.<sup>147</sup> On May 4, an amendment to the Electoral Law was adopted; among other issues, this amendment made it possible for the National Civilian Police and the Supreme Electoral Council to coordinate, with the corresponding installations, the measures to prevent non-ruling-party mobilizations from interfering in the electoral campaign.<sup>148</sup> In this context, the Rapporteurship also received information about the different actions of state agents to dismantle protests that would include the excessive use of force.<sup>149</sup>

93. Furthermore, the IACHR has observed with concern the repression of medical staff who would provide information about the evolution of the pandemic in Nicaragua.<sup>150</sup> As reported, the Ministry of Health had dismissed the physician Pablo Moreno Padilla of the Manollo Morales Hospital, supposedly because of his criticism of the government’s handling of the pandemic.<sup>151</sup> The president of the Nicaraguan Medical Unit (*Unidad Médica Nicaragüense*), José Antonio Vásquez, had been summoned to a hearing on July 28, 2021 at the Health Regulation Department of the Ministry of Health, at which he had been warned that, according to the Law on Cybercrimes, he would be committing a felony if he continued to refer to the government’s handling of the pandemic, as it was only the Ministry of Health that was authorized to provide information and appraisals

<sup>145</sup> Despacho 505. [CPDH apela contra “bloqueo” a su inscripción como agente extranjero y Gobernación la rechaza](#) [CPDH files appeal against ‘blocking’ of its registration as foreign agent and Interior Ministry dismisses appeal]; IACHR. February 26, 2021. Press release No. 43/21. [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua’s Foreign Agents Act and Calls on the State to Repeal It].

<sup>146</sup> Twitter account of the Special Rapporteurship for Freedom of Expression RFOE (@RELE\_CIDH) February 5, 2021. [5 de febrero de 2021](#).

<sup>147</sup> IACHR. October 25, 2021. [Nicaragua: concentración del poder y debilitamiento del Estado de Derecho](#) [Nicaragua: Concentration of power and undermining the Rule of Law], OEA/Ser.L/V/II. Doc. 288, para. 146.

<sup>148</sup> Republic of Nicaragua. [Ley de Reforma y Adición a la Ley n.º 331, Ley Electoral](#) [Reforming and Supplementing Law No. 331, Electoral Law]. *La Gaceta, Diario Oficial* [The Gazette, Official Register] No. 81, May 5, 2021.

<sup>149</sup> Yahoo Noticias. May 28, 2021. [La Policía de Nicaragua disuelve una protesta de políticos opositores](#) [Nicaragua police breaks up protest of political dissidents]; *Confidencial*. May 28, 2021. [Policía golpea a miembros de la UNAB que intentaban protestar](#) [Police beat UNAB members attempting to protest]; *Nicaragua Actual*. May 11, 2021. [Policía Sandinista agrede a jóvenes que protestaban frente a sede de CxL](#); [Sandinista police attack young people protesting in front of CxL headquarters]; *Nicaragua Investiga*. April 28, 2021. [Estudiantes son perseguidos tras realizar protesta en la UCA](#) [Students persecuted after holding protest at UCA]; *Despacho 505*. April 22, 2021. [Al menos 12 opositores detenidos por protestar contra Ortega en la última semana](#) [At least 12 dissidents detained for protesting against Ortega this past week]; *100% Noticias*. April 19, 2021. [Policía lanza orines, agrede a médico y periodistas en protesta de Alianza Cívica](#) [Police throw urine, attack physician and journalists in Civic Alliance protest]; *La Prensa*. April 16, 2021. [Policía impide protesta que realizaban miembros de la UNAB en conmemoración al tercer año de la lucha cívica](#) [Police prevent protest by UNAB members commemorating third year of civic protests]; *100% Noticias*. March 25, 2021. [Policía neutraliza intento de protesta de taxistas por alza de combustibles, advierten que quitarán placas](#); [Police neutralize taxicab driver protest attempt because of fuel price rise and warn that license plates will be removed]; and *La Prensa*. March 25, 2021. [Esto cuesta el cotidiano despliegue policial “antiprotestas” en Managua](#) [Cost of daily deployment of ‘anti-protest’ police in Managua].

<sup>150</sup> IACHR. Special Rapporteurship for Economic, Social, and Cultural Rights. July 28, 2021. Press release No. 197/21. [La CIDH y su REDESCA instan a Nicaragua al cese inmediato de hostigamientos en contra del sector médico](#) [IACHR and the OSRESCER Urge Nicaragua to Immediately Cease Harassment of the Medical Sector].

<sup>151</sup> *Confidencial*. January 13, 2021. [Dr. Pablo Moreno, despedido por “no ser de los afines o silenciados” del régimen orteguista](#); [Dr. Pablo Moreno dismissed for ‘not being aligned with or keeping silent about Ortega regime’]; and *Despacho 505*. January 13, 2021. [Médico del Manolo Morales es despedido por no ser de los “afines o silenciados” de la dictadura](#) [Physician of Manolo Morales dismissed for “not being aligned with or keeping silent about Ortega regime”].

of that kind.<sup>152</sup> On June 23, 2021, the Nicaraguan Medical Unit had announced that it would be shutting down its operations in the country's capital because of the persistent actions of political harassment targeting them.<sup>153</sup> The pneumologist Jorge Miranda had been threatened by staff of the Ministry of Health that his license to practice would be suspended and that he would be charged on the basis of the Law on Cybercrimes for his statements to the media on the government's handling of the health crisis.<sup>154</sup> In this context, the IACHR was informed of the removal of the legal status of at least 20 medical associations supposedly for their failure to comply with legislation on nonprofit legal entities.<sup>155</sup>

94. The Rapporteurship observes with concern the absence of transparency and the constraints on the right to access public information imposed by the Nicaraguan government in the context of the pandemic.<sup>156</sup> According to public information, in May 2021 it had been one year since the Ministry of Health had suspended the online publication of its epidemiological bulletin.<sup>157</sup> The IACHR also received reports on diverse obstacles to accessing information linked to electoral matters: at least until October 2021, no information had been made available about the procurement of electoral materials or the printing of ballots for the election.<sup>158</sup>

95. The IACHR also received reports on threats to academic freedom in Nicaragua. According to a report produced by several civil society organizations and published in March 2021, at least 108 instructors and administrative staff, as well as 147 university students, had been dismissed from their job or expelled from their course of study since 2018 because of their political opinions.<sup>159</sup> On May 13, 2021, the teacher María Magdalena Munduía Jiménez had been dismissed from her job in the Madre Teresa de Calcuta school in El Rosario, in Carazo, after she had promoted a debate about migration and gender in a class.<sup>160</sup> Likewise, five students had been expelled from the National Autonomous University of Nicaragua (*Universidad Nacional*

<sup>152</sup> *Artículo 66*. July 28, 2021. [Presidente de la Unidad Médica Nicaragüense, amenazado con la Ley de Ciberdelitos](#); and *Confidencial. Allanan asociación médica tras cancelar 24 personerías en Nicaragua* [Medical association forcibly entered and searched after 24 registered entities have their legal status removed in Nicaragua].

<sup>153</sup> *Confidencial*. June 23, 2021. [Unidad Médica Nicaragüense anuncia cierre de sus oficinas ante asedio](#) [Nicaraguan Medical Unit announces closing of its offices because of barricade]; and *Swissinfo*. June 23, 2021. [La Unidad Médica Nicaragüense cierra sus oficinas por "agresión del Gobierno"](#) [Nicaraguan Medical Unit closes its offices because of 'government aggression'].

<sup>154</sup> *Nicaragua Investiga*. July 26, 2021. [Amenazan a médico con suspensión de su licencia](#) [Physician threatened with having his license to practice suspended]; and *Deutsche Welle*. July 23, 2021. [Nicaragua: amenazan con aplicar ley a médicos críticos](#) [Nicaragua: Threats to enforce law against physicians who criticize the government].

<sup>155</sup> *Swissinfo*. July 28, 2021. [Nicaragua cancela personalidad jurídica a 24 ONG, la mayoría médicas](#) [Nicaragua removes legal status of 24 NGOs, most of them medical]; and *CNN*. July 28, 2021. [La Asamblea Nacional de Nicaragua cancela la personería jurídica a 24 organismos civiles, incluidas asociaciones médicas](#) [National Assembly of Nicaragua removes legal status of 24 civil organizations, including medical associations].

<sup>156</sup> *Confidencial. OPS: Nicaragua es el único país en Centroamérica sin reportar datos sobre variantes* [PAHO: Nicaragua is only country in Central America not reporting data on variants]; and *Swissinfo*. May 17, 2021. [Seis fuentes de incertidumbre sobre la covid-19 en Nicaragua](#) [Six sources of uncertainty regarding COVID-19 in Nicaragua].

<sup>157</sup> *Confidencial*. May 29, 2021. [Minsa cumple un año sin publicar el boletín epidemiológico](#); [MINSA a full year without publishing epidemiological bulletin]; Republic of Nicaragua, Ministry of Health. July 20-27, 2021. [Boletín Epidemiológico No. 29](#) [Epidemiological Bulletin No. 29].

<sup>158</sup> *Despacho 505*. October 1, 2021. [CSE no informa sobre la impresión de las boletas electorales](#) [CSE does not report on printing of electoral ballots]; and *Confidencial*. October 19, 2021. [CSE mantiene en secreto adquisición de material electoral e impresión de boletas](#) [CSE keeps procurement of electoral material and printing of ballots secret].

<sup>159</sup> *SOS Nicaragua*. March 25, 2021. [Libro blanco: las evidencias de un Estado totalitario: Violaciones de los derechos humanos en Universidades Públicas de Nicaragua](#) [White Paper: Evidence of a Totalitarian State: Human Rights Violations in Public Universities in Nicaragua].

<sup>160</sup> *100% Noticias*. May 13, 2021. [Ministerio de Educación despide a profesora de El Rosario, Carazo por razones políticas](#) [Ministry of Education dismisses teacher of El Rosario, Carazo, for political reasons]; and *Nicaragua Actual*. May 13, 2021. [Mined despide por órdenes políticas a profesora en El Rosario Carazo](#). [MINED dismisses teacher in El Rosario Carazo on political orders].

*Autónoma de Nicaragua—UNAN-León*) supposedly for having engaged in actions that disrupted the peace and stability of the university community.<sup>161</sup>

### C. Internet and Freedom of Expression

96. In 2021, the IACHR monitored diverse reports on harassment and threats via social media against those criticizing the government, in some cases using false accounts that might have involved state agents.<sup>162</sup> In this context, Facebook announced that, in October, it had removed more than one thousand accounts from its social network, which, as it indicated, were linked to the Nicaraguan government and the Sandinista National Liberation Front and whose purpose was to alter public opinion, publishing positive contents about the government and negative comments about the opposition.<sup>163</sup> According to the platform's report, it involved "one of the most cross-government troll operations we've disrupted to date," which had been functioning since April 2018 and had involved multiple state institutions, such as the Nicaraguan Telecommunication and Postal Service Institute (*Instituto Nicaragüense de Telecomunicaciones y Correos—TELCOR*), which was working from the headquarters of Managua's postal service, in addition to other smaller groups that were being managed from other institutions, such as the Supreme Court of Justice and the Nicaraguan Social Security Administration (*Instituto Nicaragüense de Seguridad Social*). This network is an example of a "troll farm," as indicated by the company in its October 2021 "Coordinated Inauthentic Behavior Report." In addition to being intergovernmental, it involved a multiplatform campaign, implemented via Facebook, TikTok, Instagram, Twitter, YouTube, Blogspot, and Telegram, among others.<sup>164</sup>

97. On March 31, the IACHR had already learned of the suspension of at least ten Twitter accounts, known for supporting the government, a decision that had already been grounded on the alleged violation of the company's community rules. According to information received, the platform's decision was linked to a campaign of *hashtags* that diverse accounts of government supporters had launched days earlier and that was suspected of being spam, that is, amplifying or suppressing information artificially.<sup>165</sup>

98. The Commission has continued to monitor the disproportionate enforcement of the Special Law on Cybercrimes, as previously mentioned in the present report. The IACHR has also observed with concern the cybersecurity information sharing agreement signed by the governments of Nicaragua and Russia on July 19, 2021, and subsequently adopted by the National Assembly of Nicaragua on September 7, which could further exacerbate constraints on online civic forums and the criminalization of journalists and civil society organizations, according to reports received.<sup>166</sup> The document deems that information and communication technologies can constitute threats for states when used to attack territorial sovereignty, security, and integrity

<sup>161</sup> 100% Noticias. July 2, 2021. [UNAN-León expulsa a cinco estudiantes de derecho por "atentar" contra la "paz y estabilidad"](#); and Despacho 505. July 1, 2021. [El delito de "atentar contra la paz" llega a las universidades públicas de Nicaragua en año electoral](#).

<sup>162</sup> Confidencial. March 17, 2021. [Troles, cuentas falsas y bots maliciosos: las plagas del debate público en las redes](#) [Trolling, fake accounts, and malicious bots: Scourge of public debate on social media].

<sup>163</sup> Reuters. November 1, 2021. [Facebook says it removed troll farm run by Nicaraguan government](#); and Deutsche Welle (DW). November 1, 2021. [Facebook elimina red de perfiles falsos operada por el Gobierno de Nicaragua](#) [Facebook removes network of fake profiles operated by Nicaragua Government].

<sup>164</sup> Meta. October 2021. [October 2021 Coordinated Inauthentic Behavior Report](#).

<sup>165</sup> Confidencial. March 31, 2021. [Twitter suspende más de 10 cuentas afines a FSLN en un solo día](#) [Twitter suspends more than 10 FSLN-related accounts in one single day]; and Artículo 66. March 31, 2021. [Twitter suspende cuentas sandinistas que llenaban de información «basura» la red social](#) [Twitter suspends Sandinista accounts that were filling social media with 'junk' information].

<sup>166</sup> Republic of Nicaragua. September 8, 2021. [Decreto A.N. N° 8768](#) [Decree No. 8768]. *La Gaceta, Diario Oficial* N°. 169 [The Gazette, Official Register No. 169]; *Nicaragua Investiga*. July 29, 2021. [Nicaragua y Rusia firman convenio de seguridad informática y se pronuncian contra sanciones](#) [Nicaragua and Russia sign computer security agreement and make statement against sanctions]; and Artículo 66. July 21, 2021. [Rusia y Nicaragua "combatirán" la propagación de supuestas "noticias falsas" en contra de la dictadura](#) [Russia and Nicaragua 'shall combat' the spread of alleged 'fake news' against dictatorship].

or to disrupt public law and order and interfere in domestic matters for terrorist purposes, among other purposes, because of which it establishes areas of collaboration between states and their different bodies.<sup>167</sup>

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<sup>167</sup> Republic of Nicaragua. September 8, 2021. [Decreto A.N. N° 8768](#) [Decree No. 8768]. *La Gaceta, Diario Oficial* N°. 169. The Gazette, Official Register No. 169].

#### IV. SITUATION OF ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS

99. As for the general situation of economic, social, cultural, and environmental rights (ESCER) in the country, the IACHR and the Special Rapporteurship on ESCER (SRESCER) are observing a situation that is increasingly distressing with respect to the exercise of said rights in Nicaragua, in a context of inequality and poverty that is being aggravated by both the political and democratic crisis and the pandemic.<sup>168</sup> According to data from the World Bank, in mid-2021, 44% of households reported lower income, along with rising food insecurity, and it was estimated that poverty had risen from 13.5% in 2019 to 14.6% in 2021.<sup>169</sup>

100. The Nicaraguan population's right to health is a matter of special concern, as the protection of health has been increasingly undermined by the context of the country and has substantially worsened because of the pandemic and the state's response to it. Regarding this, the Commission and SRESCER have been voicing their concern over the general handling of the pandemic by the authorities. As for the general figures on the pandemic, according to information from the Ministry of Health (MINSa), at July 6, 2021, there was a total of 6,819 persons infected with COVID-19, and a death rate of only 192 persons.<sup>170</sup> Nevertheless, information provided by the Multidisciplinary Scientific Committee, there was a death rate of 144 per 100,000 inhabitants, pointing to under-reporting of the total number of deaths. In short, according to figures from the Committee, there would be about 7,800 additional deaths.<sup>171</sup> It was reported that, in the death records, these deaths were not registered as having been caused by COVID-19.<sup>172</sup>

101. In that regard, the Commission and SRESCER are particularly concerned about the situation of the health staff, as persecution, harassment, and attacks perpetrated by the state has been a constant element throughout the political and social crisis subsequent to April 2018, a pattern that has been even further aggravated by the context of the pandemic. Thus, the SRESCER has been documenting intimidation or harassment practices via the enforcement of criminal, labor, or administrative law, including unfounded dismissals, which have the effect of silencing or instilling fear among the members of the medical and health sector.<sup>173</sup> Along that line, the Commission and SRESCER stress that the principal practices that have escalated involve state institutions and authorities singling out health professionals directly, even branding them as health terrorists and accusing them of spreading fake news.<sup>174</sup> These actions also undermine the well-being of persons who sustain the impacts of said actions, and also exert an adverse impact on the sector as a whole, as well as on the population being served by these professionals.<sup>175</sup>

102. In this context, the IACHR and the SRESCER have been concerned about the removal of the legal status of 24 civil society organizations, including medical associations for different specializations, as decreed by the National Assembly on July 28. In that same regard, forcible entries and searches of civil society organizations working on promoting the right to health were recorded.<sup>176</sup> Likewise, part of the acts recorded

<sup>169</sup> World Bank, Nicaragua Overview, updated to October 8, 2021.

<sup>170</sup> MINSa, National Health Map [Mapa Nacional de Salud](#)

<sup>171</sup> SRESCER. Meeting with UMN, April 16, 2021; *El Confidencial*, [Nicaragua ocupa el tercer lugar en el mundo de sobremortalidad atribuible a la COVID-19](#) [Nicaragua ranks third in world for excess mortality rates attributable to COVID-19], April 7, 2021; and *Financial Times*, [Coronavirus tracker: the latest figures as countries fight the Covid-19 resurgence](#), August 20, 2021.

<sup>172</sup> SRESCER. Meeting with UMN, April 16, 2021.

<sup>173</sup> SRESCER. REDESCA of the IACHR expresses profound concern about discrimination for political reasons in the exercise of the rights to work and health in Nicaragua. Press release No. 209/19 of August 21, 2019.

<sup>174</sup> *AP*. [Acoso y amenazas a médicos en Nicaragua por hablar del COVID](#) [Harassment and threats to physicians in Nicaragua for talking about COVID], September 13, 2021.

<sup>175</sup> IACHR and SRESCER. [La CIDH y su REDESCA instan a Nicaragua al cese inmediato de hostigamientos en contra del sector médico](#) [IACHR and OSRESCER Urge Nicaragua to Immediately Cease Harassment of the Medical Sector], Press release No. 197/21 of July 28, 2021.

<sup>176</sup> OACHR and SRESCER. [Pronunciamiento de Redes Sociales](#) [Social Media Pronouncement], July 29, 2021.



against the UMN involves persecution of the organization's members, which led to the closing of its office because of the constant harassment reported.<sup>177</sup>

103. The Commission is also observing with concern the testimonies received from members of the UMN highlighting the state's threat of imposing administrative sanctions, such as the suspension or removal of their license to practice medicine.<sup>178</sup> In some cases, it has been indicated that, if they did not accept removal of their license to practice, their detention would be extended for a longer period of time. This has led some persons to feel forced to go into exile.<sup>179</sup>

104. In this context, the Commission and SRESCER highlight the situation of José Luis Julio Borgen, member of the UMN, who was summoned to make a statement in connection with an investigation that the Office of the Attorney General has launched against one of his patients, this past July 13. José Luis Julio Borgen, Carlos Quant, and Jorge Miranda were summoned to appear mandatorily in the Meeting Room of the Health Regulation Department of the MINSA on July 22 and 26, respectively. In statements made to the media, Dr. Borgen indicated that the authorities told him that "he had to be careful about his declarations and remember the Law on Cybercrimes." In addition, Miranda indicated that he had been threatened with the suspension of his license to practice and the possibility of being incarcerated for having provided information about the pandemic.<sup>180</sup>

105. Furthermore, regarding the implementation of a vaccination plan, both the Interdisciplinary Scientific Committee and the UMN and Citizen Observatory pointed out that, on May 3, 2021, the country's health sector had access to the first round of vaccines.<sup>181</sup> However, the IACHR and the SRESCER take note of the reports sent by civil society sectors about discriminatory actions in connection with access to the vaccine for political reasons.<sup>182</sup> Regarding this, the United Nations Committee on Economic, Social, and Cultural rights, in its country report, pointed out that there were allegations of discrimination, based on political opinions, which have impacted persons opposing or criticizing the government about access to health service.<sup>183</sup>

106. Along that same line, according to calculations by the Multidisciplinary Scientific Committee, the full immunization of all persons would require almost five years to complete because of the absence of available doses and the lack of a massive information campaign.<sup>184</sup> It should be pointed out here that Nicaragua has received a loan in the amount of 100 million dollars to purchase vaccines, which would make it possible to purchase 190,000 doses of SPUTNIK V.<sup>185</sup> As for the state, it has informed that, at present, the country has about 531,000 doses of vaccines between Covishield and Sputnik V, which would allow for the treatment of 265,500 persons, which would only cover 3.9% of the population. Regarding this, the scientific community of Nicaragua's civil society indicates that the country has the installed capacity to vaccinate at least 150,000

<sup>177</sup> *La Prensa*. [Unidad Médica Nicaraguense cierra sus oficinas por el constante asedios de Ortega](#) [Nicaraguan Medical Unit closes its offices because of constant barricades by Ortega], June 23, 2021.

<sup>178</sup> SRESCER. Working Meeting with Civil Society, July 8, 2021.

<sup>179</sup> SRESCER. Working Meeting with Civil Society, July 8, 2021.

<sup>180</sup> IACHR and SRESCER. [La CIDH y su REDESCA instan a Nicaragua al cese inmediato de hostigamientos en contra del sector médico](#) [IACHR and the OSRESCER Urge Nicaragua to Immediately Cease Harassment of the Medical Sector], Press release No. 197/21 of July 28, 2021.

<sup>181</sup> *Swissinfo*. [Nicaragua comienza a aplicar vacunas contra la covid-19 al sector salud](#) [Nicaragua starts vaccinating health sector against COVID-19], May 3, 2021.

<sup>182</sup> SRESCER. Working Meeting with Civil Society, July 8, 2021.

<sup>183</sup> United Nations Committee on Economic, Social and Cultural Rights. Concluding observations on the 5th periodic report of Nicaragua, October 15, 2021, E/C.12/NIC/CO/5, p. 17.

<sup>184</sup> *La Prensa*. [Médicos no ven posible que el MINSA cumpla con el 70% de la población al cierre de este año](#) [Physicians do not believe it is possible for MINSA to cover 70% of population by end of year], July 2, 2021.

<sup>185</sup> MINSA. [LLEGA A NICARAGUA NUEVO CARGAMENTO DE VACUNAS SPUTNIK V PARA INMUNIZAR CONTRA LA COVID-19](#), [New shipment of Sputnik V vaccines arrives in Nicaragua to immunize against COVID-19], July 2, 2021.

persons per day. According to public information, however, the present vaccination drive is not meeting these expectations.<sup>186</sup> According to the MINSA, in June, almost 200,000 persons had been vaccinated with Covishield.<sup>187</sup>

107. The Commission and SRESCER are concerned about the findings of the Citizen Observatory, which indicate that priority population groups do not match those recommended by international health organizations. In addition, the organizations have denounced that, to date, there is no knowledge about whether or not health workers and other priority groups had yet received their dose or when they would be vaccinated or what vaccine would be used among those available in the country.<sup>188</sup> At October 22, 2021, according to PAHO figures, the country has provided a complete vaccination coverage to about 5% of the country's population, and at least one dose to 19.5% of the population. Therefore, there still remains at least 94.59% of the country's population requiring a complete plan.<sup>189</sup>

108. Taking into consideration the preceding paragraphs, the Commission and SRESCER remind and call on the country to implement the recommendations made in IACHR resolutions 1/2020, 4/2020, and 1/2021, which provide a broad conceptual framework allowing government authorities to draw up, plan, and implement public policies and adopt measures that are needed to tackle the pandemic using a human rights approach.<sup>190</sup> This includes respecting the human rights of health professionals, who merit heightened protection in the context of a pandemic. In that respect, the IACHR and SRESCER reiterate their condemnation of the acts of harassment and persecution against workers of this sector and urge the Nicaraguan state to immediately cease these actions and ensure the effective protection of their rights. This includes giving special priority to their immunization with vaccines that are safe and effective against COVID-19.

109. Furthermore, the Commission and the SRESCER are keeping in mind that, in the context of implementing climate change mitigation and adaptation projects, difficulties in their implementation in the country had emerged. In that regard, the Special Rapporteurship took note of the case submitted in June 2021 to the Independent Redress Mechanism (IRM) of the Green Climate Fund (GCF) and accepted in July 21, 2021 by the Mechanism in its Eligibility Determination Report. In the same report, it is indicated that the redress claim refers to Project FP146 "Bio-CLIMA: Integrated climate action to reduce deforestation and strengthen resilience in the BOSAWÁS and Río San Juan Biospheres," a project in Nicaragua's Caribbean region. The project's principal objective is to restore degraded forest landscapes in the Bosawás and Río San Juan Biospheres and to promote sustainable land-use management and forest management. According to what is indicated by the Mechanism, the redress claim alleges that the project would be affecting the rights of indigenous and Afrodescendant peoples in the region, because there was no suitable consultation process conducted with the communities, although the project includes their prior, free, and informed consent. It should be underscored that the implementing agency is the Central American Bank for Economic Integration, which according to the persons filing the redress claim is not complying with GCF policies on transparency and access to information.<sup>191</sup>

<sup>186</sup> IACHR and SRESCER. [La CIDH y la REDESCA expresan su alarma por la escasez de información pública sobre la pandemia en Nicaragua, y exhortan al Estado a la implementación de medidas de prevención de la salud urgentes con sustento científico y con enfoque de derechos humanos](#), November 17, 2021.

<sup>187</sup> *La Prensa*. [Médicos no ven posible que el MINSA cumpla con el 70% de la población al cierre de este año](#) [Physicians do not believe it is possible for MINSA to cover 70% of population by end of year], July 2, 2021.

<sup>188</sup> COVID-19 Citizen Observatory in Nicaragua. [Informe Semanal del 14/10/2021 al 20/10/2021](#) [Weekly Report for October 14 to October 20, 2021], October 22, 2021.

<sup>189</sup> PAHO. COVID-19 Vaccine Tracker, updated to October 22, 2021.

<sup>190</sup> IACHR. Press release No. 309/21. [La CIDH y la REDESCA expresan su alarma por la escasez de información pública sobre la pandemia en Nicaragua, y exhortan al Estado a la implementación de medidas de prevención de la salud urgentes con sustento científico y con enfoque de derechos humanos](#) [IACHR and SRESCER express alarm at scarcity of public information on pandemic in Nicaragua and urge state to implement urgent science-based preventive health measures with a human rights approach], November 17, 2021.

<sup>191</sup> Green Climate Fund (GCF). Independent Redress Mechanism (IRM). [Determinación de Elegibilidad: Caso C-0006-Nicaragua](#) [Eligibility Determination Report: Case C-0006-Nicaragua], July 21, 2021.

110. Regarding the right to education and, concretely, the right to academic freedom, the Commission and the SRESCER have received information about the politicization of universities and active discrimination against young persons who do not identify with the FSLN. Of particular interest is the April 26, 2021 siege of the campus of the Central American University (*Universidad Centroamericana—UCA*), where in the context of a commemoration of the third anniversary of the events of 2018 organized by university students and members of the civil society, reports were made about the intrusion, on the campus, of members of the police force dressed as civilians and pro-government paramilitary men and police searching motor vehicles and university students.<sup>192</sup> Regarding this, the IACHR and the SRESCER urged the state of Nicaragua to guarantee the right to academic freedom and all related rights, without discrimination, for instructors and students in all centers of education.

111. On the one hand, civil society organizations have reported the expulsion of seven instructors and that one instructor was forced to hand in his resignation for having voiced opinions against the regime;<sup>193</sup> five of the seven instructors who were expelled belonged to the UNAN of León. On the other hand, there was a cutback of at least 6% of the faculty in certain public universities (such as UCA), which has led to the removal of certain degree programs and there is now, at most, one single full-time permanent instructor per university degree program.<sup>194</sup> Likewise, the IACHR and the SRESCER note that the UN Committee on ESCR pointed out as well their concern for the failings found in the quality of education, both in terms of the infrastructure and materials available and in terms of the contents of the teaching programs and teacher training, a situation that is even more serious in rural areas and the Caribbean coast.<sup>195</sup> They also share said Committee's concern about the curtailment of government funding for education and health, as well as high rates of school dropouts, and call on the state to take necessary measures to guarantee improvements in the quality of education and reductions in school dropout rates.<sup>196</sup>

## V. SITUATION OF GROUPS OF SPECIAL CONCERN

### A. Human Rights Defenders

112. In 2021, the IACHR has recorded a steep escalation of acts of harassment, threats, aggression, intimidation, and arbitrary detentions against human rights defenders, social leaders, student leaders, political activists and their family members, in an obviously hostile environment because of the elections of November 7, and the widespread use of laws that the IACHR has reported are contrary to inter-American standards.

113. On the basis of information received this year, the IACHR notes as well that these acts of violence are mainly targeting persons who are beneficiaries of protection measures granted in the framework of the inter-American system and whose situation of higher risk and vulnerability has been extended and amplified in the current human rights crisis.

<sup>192</sup> *Aula Abierta*. Executive summary: Siege of the campus of the Central American University (UCA) in Nicaragua on April 26, 2021, April 2021.

<sup>193</sup> *Aula Abierta*. Informe Preliminar: Violaciones a la libertad académica reunión pacífica y otros derechos de los universitarios nicaragüenses en el contexto preelectoral [Preliminary Report: Violations of the rights to academic freedom, peaceful assembly, and other rights of Nicaraguan university students in the preelection context], Vol. 1. May-July 2021.

<sup>194</sup> *Aula Abierta*. Informe Preliminar: Violaciones a la libertad académica reunión pacífica y otros derechos de los universitarios nicaragüenses en el contexto preelectoral [Preliminary Report: Violations of the rights to academic freedom, peaceful assembly, and other rights of Nicaraguan university students in the preelection context], Vol. 1. May-July 2021.

<sup>195</sup> United Nations Committee on Economic, Social and Cultural Rights. Concluding observations on the 5th periodic report of Nicaragua, October 15, 2021, E/C.12/NIC/CO/5, paras. 46 and 48.

<sup>196</sup> United Nations Committee on Economic, Social and Cultural Rights. Concluding observations on the 5th periodic report of Nicaragua, October 15, 2021, E/C.12/NIC/CO/5, para. 48; and *Expediente Público*, [Sector Educación en Nicaragua vuelve a ser castigado en su presupuesto](#) [Budget for education sector in Nicaragua is again punished], May 10, 2021.

114. In that context, on July 30, 2021, the IACHR condemned the arbitrary detention of María Oviedo, a human rights defender and member of the legal team of the Permanent Human Rights Commission (*Comisión Permanente de Derechos Humanos—CPDH*).<sup>197</sup> The family members of the defender indicated that no search or arrest warrant had been presented at the time of the detention. Nevertheless, a subsequent press release from the National Police confirmed she was being charged under Law No. 1055, cited above,<sup>198</sup> and then later under Article 30 of the Law on Cybercrimes. María Oviedo is currently the beneficiary of provisional measures granted by the Inter-American Court, in view of the long period of time she has been held incommunicado, the obstacles to filing appeals and appointing attorneys of her choice, as well as the deterioration of her health.<sup>199</sup> Likewise, on September 21, the IACHR condemned the arbitrary detention of Irving Larios, Director of the Social Research and Management Institute (*Instituto de Investigaciones y Gestión Social—INGES*) and member of the Social Movements Coordination (*Articulación de Movimientos Sociales—AMS-OSC*), after he was violently removed from his home by more than a dozen police officers and accused for reasons set forth in Article 1 of the Law No. 1055.<sup>200</sup> These events occurred days after the AMS had called on the population to join the election boycott in order to protest the detention of precandidates and recent electoral reforms.<sup>201</sup>

115. Furthermore, this new cycle of detentions has focused in particular on peasant and student leaders who participated in the protests that started with the crisis in 2018 and have openly identified themselves as opposing the government.<sup>202</sup> By virtue of the above, the IACHR condemned the arbitrary detention and the filing of formal charges against the members of the Peasant Movement of Nicaragua (*Movimiento Campesino de Nicaragua*), Medardo Mairena,<sup>203</sup> Pedro Mena,<sup>204</sup> and Freddy Navas,<sup>205</sup> all of them for alleged violations of Law No. 1055. The IACHR granted precautionary measures for the benefit of the first two, taking into account that court orders or arrest warrants were not presented at the time of the detentions, that both were held incommunicado for an excessive period of time, that the special hearings were held in “secret” and without any legal defense of their choice, and that food and medicines were prevented from being

<sup>197</sup> #Nicaragua #CIDH/#MESENI IACHR MESENI condemns the detention of María Oviedo, human rights defender and member of CPDH Nicaragua, occurring on July 29 (#DerechosHumanos, @cpdhnicaragua, #29jul). 1. Twitter account of IACHR (@CIDH), posted on July 30, 2021 [publicación del 30 de julio de 2021](#).

<sup>198</sup> National Police. [Nota de Prensa No. 212.2021](#) [Press release No. 212.2021]. July 29, 2021.

<sup>199</sup> I/A Court H.R. Resolution of October 14, 2021, Provisional measures with respect to Nicaragua, [Asunto Integrantes del Centro Nicaragüense de Derechos Humanos y de la Comisión Permanente de Derechos Humanos \(CENIDH-CPDH\)](#) [Matter of Members of the Nicaraguan Human Rights Center and the Permanent Human Rights Commission (CENIDH-CPDH)], paras. 5-7 and 13.

<sup>200</sup> #Nicaragua #CIDH/#MESENI IACHR MESENI condemns the detention of Irving Larios Sánchez of Social Movements Coordination (@ArticulacionNic), according to police report of September 20 (#20septiembre), on the basis of Law 1055 on the Defense of the Right of the People to Independence, Sovereignty, and Self-Determination for Peace. Twitter account of IACHR (@CIDH) posted on September 21, 2021, [publicación del 21 de septiembre de 2021](#).

<sup>201</sup> AMS-OSC. Report on stalking and kidnapping of members of the Social Movements Coordination, September 30, 2021; *Confidencial, Policía detiene y allana la vivienda de Irving Larios, presidente del INGES* [Police detain and forcibly enter and search the house of Irving Larios, president of INGES], September 20, 2021; and *Artículo 66, Policía detiene a opositor Irving Larios miembro de la Articulación de Movimientos Sociales* [Police detains dissident Irving Larios, member of Social Movements Coordination], September 20, 2021.

<sup>202</sup> IACHR. Press release No. 171/2021, [Nicaragua: CIDH y OACNUDH urgen poner fin a las detenciones arbitrarias y a liberar a todas las personas detenidas desde el inicio de la crisis](#) [IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua], July 9, 2021.

<sup>203</sup> *France 24*. [El líder campesino Medardo Mairena, el sexto aspirante presidencial detenido en Nicaragua](#) [Peasant leader Medardo Mairena, the sixth presidential hopeful detained in Nicaragua], July 6, 2021; and *El País*, [Ortega encarcela a líderes estudiantiles y del movimiento campesino en Nicaragua](#) [Ortega jails student and peasant movement leaders in Nicaragua], July 6, 2021.

<sup>204</sup> #Nicaragua #CIDH IACHR voices its concern over formal charges brought against defender María Oviedo and peasant leader Pedro Mena for the crime of plotting to undermine the country's integrity and spreading fake news via technologies. Twitter account of IACHR (@CIDH), posted on September 24, 2021, [publicación del 24 de septiembre de 2021](#).

<sup>205</sup> IACHR. Press release No. 220/2021, [La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Lesther Lenin Alemán Alfaro y Freddy Alberto Navas López, y a su núcleo familiar](#), ante extrema situación de riesgo en Nicaragua [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Lesther Lenin Alemán Alfaro and Freddy Alberto Navas López and Their Families, Given the Extreme Risk They Face in Nicaragua], August 25, 2021.



received in their detention centers.<sup>206</sup> As for Freddy Navas, the Commission requested the Inter-American Court to extend the provisional measure for his benefit, because of its identification of a situation of “extreme” risk, characterized by the absence of information on his well-being or current whereabouts and adequate observance of his right to a fair trial.<sup>207</sup>

116. Regarding the student leaders, the IACHR condemned the detention of Lesther Aleman, from the University Movement of Nicaragua (*Movimiento Universitario de Nicaragua*), and Max Isaac Jerez, from the Nicaraguan University Alliance (*Alianza Universitaria Nicaragüense*). The Commission identified the same pattern of violations examined previously in the situation of university leaders.<sup>208</sup>

117. It is also concerned over the situation of defenders of the human rights of indigenous peoples, who reported an escalation in harassment, threats, assaults, and criminalization by state agents and third parties, as well as the high level of impunity with respect to investigating these incidents.<sup>209</sup> In that context, the Commission condemned the accusation and arrest warrant issued by the National Police against Amaru Ruiz, Director of El Río Foundation, for broadcasting public statements via online media defending the indigenous peoples and Afrodescendant communities of the Caribbean Coast against third parties, which were labelled as “spreading fake news” which is punishable according to Article 30 of the Law on Cybercrimes.<sup>210</sup> Likewise, members of CEJUDHCAN reported having received threats via online media and informed about the development of actions to discredit their actions of defense with the argument that they lack the legitimacy to represent their interests and that their intention is to divide them and create disinformation inside their communities.<sup>211</sup>

<sup>206</sup> IACHR. Press release No. 267/2021, [La CIDH amplía medidas cautelares a favor de Medardo Mairena y Pedro Mena, líderes del Movimiento Campesino, en Nicaragua](#) [IACHR Extends Precautionary Measures in Favor of Peasant Leaders Medardo Mairena and Pedro Mena in Nicaragua], October 7, 2021.

<sup>207</sup> IACHR. Press release No. 220/2021, [La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Lesther Lenin Alemán Alfaro y Freddy Alberto Navas López, y a su núcleo familiar](#), ante extrema situación de riesgo en Nicaragua [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Lesther Lenin Alemán Alfaro and Freddy Alberto Navas López and Their Families, Given the Extreme Risk They Face in Nicaragua], August 25, 2021.

<sup>208</sup> Max Isaac Jerez was held incommunicado for about 57 days. During the only family visit he was allowed after this period of time, the university leader reported having been subjected to inadequate confinement conditions because of the lack of adequate food and quality hygiene and sanitation services, as well as other articles to take care of his health. Likewise, despite the death of his mother, he was not granted permission to leave to attend the funeral and pay his respects. In the case Lesther Alemán, information was obtained about the beneficiary’s critical health condition and the prolonged period of time he was held incommunicado, leading the IACHR to qualify his risk situation as “extreme” and motivating the Inter-American Court to grant him provisional measures on September 9, 2021. IACHR. [Resolución 83/2021](#), Resolution 83/2021, Precautionary Measures Nos. 761-21 and 856-21 regarding Nicaragua, Case of Mauricio José Díaz Dávila and Max Isaac Jerez Meza, paras. 25-28; IACHR, Press release No. 220/2021, [La CIDH solicita a la Corte IDH ampliación de medidas provisionales a favor de Lesther Lenin Alemán Alfaro y Freddy Alberto Navas López, y a su núcleo familiar](#), ante extrema situación de riesgo en Nicaragua [IACHR Asks Inter-American Court of Human Rights to Extend Temporary Protection Measures in Favor of Lesther Lenin Alemán Alfaro and Freddy Alberto Navas López and Their Families, Given the Extreme Risk They Face in Nicaragua], August 25, 2021; and I/A Court H.R. [Resolución de 9 de septiembre de 2021](#), Order of September 9, 2021, Ratification, expansion, and monitoring of provisional measures, Matter of Juan Sebastián Chamorro and others regarding Nicaragua.

<sup>209</sup> CALPI. Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021; I/A Court H.R. [Supervisión de Cumplimiento de Sentencia](#) [Monitoring Compliance with Judgment]. Case of Acosta et al. v. Nicaragua, March 16, 2021; and AMS-OSC, Report on stalking and kidnapping members of the Social Movements Coordination (*Articulación de Movimientos Sociales*), September 30, 2021.

<sup>210</sup> #Nicaragua #CIDH y @RELE\_CIDH IACHR and RFOE condemn charges and detention order against Amaru Ruiz, defender and president of Fundación del Río, for the alleged crime of spreading fake news, in compliance with the Special Law on Cybercrimes, filed on September 8 #8Sep. Twitter account of IACHR (@CIDH), [publicación del 13 de septiembre de 2021](#), posted on September 13, 2021; and *La Prensa*, [“Fiscalía acusa a Sergio Ramírez y a Amaru Ruiz”](#) [Prosecution Office brings charges against Sergio Ramírez and Amaru Ruiz], September 8, 2021.

<sup>211</sup> IACHR. 179 period of sessions, [Audiencia Temática: Thematic Hearing: Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua](#), March 18, 2021; and additional information provided to the Thematic Hearing of the 179 period of sessions: Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua, April 6, 2021.



118. In 2021, a substantial rise in frequent acts of harassment and threats against human rights defenders has been recorded.<sup>212</sup> In particular, the case of the Mothers of April Association (*Asociación de Madres de Abril—AMA*) is noteworthy, as they sustained aggression from the police, as well as the seizure of commemorative books, during the event commemorating the crisis that started in April 2018. Days after these events, a group of about 40 police officers appeared at the home of Francys Valdivia, president of the association, to prevent a memorial mass for her deceased brother from being said. As a result of this intervention, the chair of the association and her family members were detained by the police. When attempting to report these incidents in the offices of CENIDH, several police officers arrived in patrol cars to prevent the complaint about these incidents from being filed.<sup>213</sup> By virtue of this and other incidents of harassment, threats, and aggression, the IACHR decided to grant urgent protection measures for the benefit of Francys Valdivia and her nuclear family.<sup>214</sup>

119. In the days prior to and during the November 7 elections, the IACHR also received reports and testimonies on acts of harassment, threats, forcible entries and searches, and arbitrary detentions against human rights defenders, social leaders, and political activists in retaliation for protest actions and calls to not vote, in view of current political and social circumstances.<sup>215</sup> In addition, complaints have been received about the enforcement of other measures that hamper human rights defenders, social leaders, and political activists from fully exercising their civil and political rights, among which the rights to freedom of movement and to choose one's residence, owing to restrictions on obtaining driving licenses, the seizure of documents, and the withholding of travel documents to prevent them from leaving the country, as well as other obstacles to gain access to sources of work, health or education services in government institutions and to participate in the state's political life, for example, by banning them from presenting their candidacies to public office.<sup>216</sup>

120. Finally, the IACHR is concerned about the continuation of speeches and public statements coming from the state's highest authorities, aimed at smearing and discrediting activities defending and protecting rights. Among these, reports were made about the frequent name-calling by the Vice-President and President of the Republic against the country's defenders and political prisoners.<sup>217</sup> The IACHR reiterates that

<sup>212</sup> IACHR. Press release No. 152/2021, [La CIDH condena el grave escalamiento de la represión en Nicaragua](#) [IACHR Condemns the Serious Escalation of Repression in Nicaragua], June 18, 2021; UN, 48th session of the Human Rights Council, [Actualización oral sobre la situación de derechos humanos en Nicaragua](#) [Oral update on the human rights situation in Nicaragua], September 13, 2021; and OAS, Secretariat for Strengthening Democracy, [Informe Elecciones en Nicaragua](#) [Report on Elections in Nicaragua], November 9, 2021.

<sup>213</sup> IM-Defensoras. [Policía Nacional intensifica campaña de hostigamiento y ataques contra integrantes de la Asociación Madres de Abril y CENIDH](#) [National Police escalate campaign of harassment and attacks against members of the Mothers of April Association and CENIDH], April 24, 2021; and OMCT, [Nicaragua: Tres años de ataques al derecho a defender derechos humanos](#) [Three years of attacks on the right to defend human rights], May 7, 2021.

<sup>214</sup> IACHR. Press release No. 210/2021, [La CIDH amplía medidas cautelares a favor de Francis Valdivia Machado y su núcleo familiar en Nicaragua](#) [IACHR Extends Precautionary Measures in Favor of Francys Valdivia Machado and Her Family in Nicaragua], August 11, 2021.

<sup>215</sup> IACHR. Press release No. 300/2021, [La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#) [IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua], November 10, 2021; Swiss Info, [Observatorios reportan 35 detenidos en contexto electoral de Nicaragua](#) [Observatories report 35 detained in electoral race in Nicaragua], November 12, 2021; and CENIDH, Report: There were no elections in Nicaragua, November 2021.

<sup>216</sup> IACHR. Press release No. 171/2021, [Nicaragua: CIDH y OACNUDH urgen poner fin a las detenciones arbitrarias y a liberar a todas las personas detenidas desde el inicio de la crisis](#) [IACHR and OHCHR Demand an End to Arbitrary Arrests and the Release of All Individuals Detained Since the Start of the Crisis in Nicaragua], July 9, 2021; AMS-OSC, Report on stalking and kidnapping of members of the Social Movements Coordination, September 30, 2021; Swiss Info, ["Defensor de DD.HH. denuncia retención migratoria "arbitraria" en Nicaragua](#) [Human rights defender reports 'arbitrary' blocking of migration in Nicaragua], August 6, 2021. In one of the cases reviewed, it was reported that, in a public hospital, timely medical care was denied to the spouse of one of the beneficiaries requiring childbirth assistance services. IACHR. [Resolución 65/2021](#). Resolution 65/2021, Precautionary Measures No. 444-21, Case of Douglas Antonio Villanueva Sandoval, Cindy Mariana Mejía Tercero, and son regarding Nicaragua, August 23, 2021, para. 17.

<sup>217</sup> IACHR. Press release No. 300/2021, [La CIDH condena las violaciones a los derechos humanos denunciadas durante las elecciones en Nicaragua](#) [IACHR Condemns Human Rights Violations Reported During Elections in Nicaragua], November 10, 2021. The organization AMS-OCS took note of the name-calling used against defenders, social and student leaders, and political activists in public statement by the Vice-President: "pussies, bacteria, worms, termites, terrorists, traitors, bootlickers of the empire, wretched, plagues,

repeated statements stigmatizing them contribute to exacerbating the climate of hostility and intolerance from different sectors of the population, which could adversely affect the life and personal integrity of human rights defenders. Therefore, it urges government officials to refrain from making declarations that smear or suggest that the organizations are acting erroneously or unlawfully, merely because they engage in activities promoting and defending human rights.<sup>218</sup>

121. The Inter-American Commission has repeatedly pointed out that human rights defenders provide key contributions to ensure the functioning and consolidation of democratic societies. Respect for human rights in a democratic state largely depends on effective and adequate guarantees that people can enjoy to engage freely in their activities.<sup>219</sup> The IACHR has also indicated that defenders need to exercise the necessary social monitoring of government officials and democratic institutions, in which they “play an irreplaceable role in building a solid and lasting democratic society.”<sup>220</sup> In that regard, acts of violence and other attacks against human rights defenders not only affect the guarantees inherent to every human being, but also undermine the key role they play in society and plunge into defenseless all those persons for whom they work. Because of the above, the IACHR once again reiterates to the state of Nicaragua its duty to protect defenders when their life and personal integrity are at risk and that it must adopt an effective and exhaustive preventive strategy in order to avoid attacks.<sup>221</sup>

122. Furthermore, the IACHR observes with alarm the amplification of administrative and legislative obstacles and measures to prevent the sustainable functioning and effectiveness of civil society organizations defending human rights and institutions that provide basic humanitarian services in Nicaragua. In particular, this year, as of the closing date of this report the Commission has recorded at least 45 cases in which the legal status of organizations has been removed, and there has been complaints and testimonies about the arbitrary seizure and reconversion of their premises and assets, although there are court proceedings that are still pending, and other administrative obstacles to regularizing their legal situation. These incidents have been facilitated by the practical enforcement of Law No. 1040, Law Governing Foreign Agents, along with other statutes,<sup>222</sup> contrary to inter-American standards because they seek to curtail democratic debate and undermine the rights to freedom of expression, assembly and association, participation in public affairs, protest, and the right to defend rights.<sup>223</sup>

123. In that context, on July 29, the IACHR condemned<sup>224</sup> the removal of the legal status of 24 civil society organizations by the State National Assembly, which instructed the agencies of the Ministry of the Interior to remove their registration within 72 hours at the latest and then to proceed with the liquidation of

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nothings, fungi, coup leaders, a scourge, criminals, vandals, among others”; and AMS-OSC, Report on the stalking and kidnapping of members of the Social Movements Coordination, September 30, 2021, Chapter II: Review of Context and Record of Incidents.

<sup>218</sup> IACHR. [Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua](#) [Gross Human Rights Violations in the Context of Social Protests in Nicaragua], OEA/Ser.L/V/II, Doc. 86, June 21, 2018. Recommendation 10.

<sup>219</sup> IACHR. Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, paras. 20-41; and IACHR. Human Rights Situation in Honduras, OEA/Ser.L/V/II. Doc. 42/15, December 31, 2015, para. 58.

<sup>220</sup> IACHR. Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 23; and IACHR. Criminalization of the Work of Human Rights Defenders, OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, para. 22.

<sup>221</sup> IACHR. [Graves violaciones a los derechos humanos en el marco de las protestas sociales en Nicaragua](#) [Gross Human Rights Violations in the Context of Social Protests in Nicaragua], OEA/Ser.L/V/II, Doc. 86, June 21, 2018, paras. 262 and 263.

<sup>222</sup> Law No. 147, General Law on Nonprofit Legal Entities; Law No. 977, Law against Money Laundering, Financing Terrorism, and Financing the Proliferation of Weapons of Mass Destruction; and the Statutory Framework for the Department of Associations for the Regulation and Oversight of Nonprofit Organizations.

<sup>223</sup> IACHR. Press release No. 043/2021, [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua’s Foreign Agents Act and Calls on the State to Repeal it], February 26, 2021; and OAS. Secretariat for Strengthening Democracy, [Informe Elecciones en Nicaragua](#) [Report on Elections in Nicaragua], November 9, 2021.

<sup>224</sup> #Nicaraguanı #CIDH IACHR condemns the removal of the legal status of 24 civil society organizations, including medical associations of different specializations, as decreed by the National Assembly on July 28 @AsambleaNi el #28julio. #DerechosHumanos 1. Twitter account of IACHR (@CIDH), posted on July 29, 2021, [publicación del 29 de julio de 2021](#).

their assets in accordance with the law.<sup>225</sup> Among the arguments presented, it was indicated that the organizations acted “outside the law and against statutory law,” that they were “without any presiding authorities” because the time-limits for establishing their boards of directors had expired, and that they had not reported information on their financial statements “with a detailed breakdown of items” in the agreements signed with their donors, their projects, and the activities they have carried out to ascertain their social impact. The impacted organizations for the most part belong to medical sector associations, among which the Nicaraguan Medical Association, which has posted several press releases questioning the health strategy taken by the government to tackle the COVID-19 crisis.<sup>226</sup> Afterwards, on August 18<sup>227</sup> and 28,<sup>228</sup> the IACHR condemned the cancellation of 21 other civil society organizations, also through a resolution passed by the Legislative Assembly. Regarding this, in the report submitted by the Ministry of the Interior to endorse its decision, it was indicated that the affected organizations had not provided their identity documents and the origin of their donors, precise address and phone number, among other details, thus hampering said Ministry from doing its monitoring and oversight as it could not identify the regulatory bodies and their legal representatives.<sup>229</sup>

124. In addition, the IACHR was apprised of the administrative obstacles being encountered by civil society organizations attempting to regularize their legal status and adapt to the state’s statutory framework. The organization CPDH, for example, reported that, since 2020, it has been attempting to register in conformity with the provisions of the Law on Foreign Agents, but it was not able to do so because it was requested to meet requirements in addition to those set forth in the Law, and letters and petitions addressed to Ministry of the Interior agencies have been blocked.<sup>230</sup> Other organizations that were subject to removal of their legal status also reported obstacles to submit information or receive certifications from said entity.<sup>231</sup> These actions increase the risk of this and other organizations under similar circumstances of being sanctioned in the future for the alleged unwillingness to comply with the law currently in force.

125. Finally, this year information was also received about the destruction, seizure, and occupation of properties and assets arbitrarily impounded from organizations affected by decisions to remove their legal status. Several human rights organizations, among which CENIDH, the Segovias Leadership Institute (*Instituto de Liderazgo de las Segovias—ILLS*), and the El Río Foundation, reported that their premises were demolished

<sup>225</sup> National Assembly. Decree No. 8759, [Decreto de cancelación de personerías jurídicas](#) [Decree removing legal status], July 28, 2021.

<sup>226</sup> *CNN Latinoamérica*. [La Asamblea Nacional de Nicaragua cancela la personería jurídica a 24 organismos civiles, incluidas asociaciones médicas](#) [Nicaragua’s National Assembly removes the legal status of 24 civil organizations, including medical associations], July 28, 2021; and *Confidencial*, [Orteguismo pretende desaparecer 24 ONG y mayoría son médicas](#) [Ortega regime intends to eliminate 24 NGOs and most are medical], July 25, 2021.

<sup>227</sup> #Nicaragua #CIDH y su #REDESCA IACHR and SRESCER condemn August 16 removal of legal status of six civil society organizations providing humanitarian aid, promoting human rights, working on poverty abatement, among others (#16agosto, #DDHH). 1. Twitter account of IACHR (@CIDH), posted on August 18, 2021, [publicación del 18 de agosto de 2021](#)

<sup>228</sup> #Nicaragua #CIDH y su @DESCA\_CIDH IACHR and SRESCER condemn removal of legal status of 15 civil society organizations as decreed by the Legislative Assembly on August 26 (#26agosto). Some of them are working for community development and promoting ESCERs (#DESCA) throughout the country. 1. Twitter account of IACHR (@CIDH), posted on August 28, 2021, [publicación del 28 de agosto de 2021](#)

<sup>229</sup> National Assembly. Press release, [Cancelan personalidades jurídicas a 15 organizaciones civiles sin fines de lucro](#) [Legal status of 15 nonprofit civil society organizations has been removed], August 26, 2021; *100% Noticias*. [Régimen en Nicaragua cancela a seis ONG internacionales por supuestamente incumplir con Ley contra el Lavado de Activos](#) [Regime in Nicaragua eliminates six international NGOs allegedly for failing to comply with Law against Money Laundering], August 16, 2021; and *CNN Latinoamérica*, [Asamblea Nacional de Nicaragua cancela personería de 15 ONG por supuesta transgresión de normas](#) [Nicaragua’s National Assembly removes legal status of 15 NGOs for allegedly breaking the law], August 26, 2021.

<sup>230</sup> IACHR. Press release No. 043/2021, [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua’s Foreign Agents Act and Calls on the State to Repeal it], February 26, 2021; and CPDH, Situation Report: Law on Foreign Agents, Law No. 1040, and Law on Nonprofit Civil Associations, Law No. 147, February 5, 2021.

<sup>231</sup> *Confidencial*. “Seis meses de la ley de ‘agentes extranjeros’: oenegés ‘mueren suavemente’ en Gobernación” [Six months after enactment of the ‘foreign agents’ law: NGOs ‘die quietly’ in Interior Ministry], May 3, 2021; and *Confidencial*. [“Diputados del FSLN cancelan la personería jurídica de 24 oenegés”](#) [Congresspersons of FSLN withdraw legal status of 24 NGOs], July 28, 2021.

or refurbished to provide public services or converted into police stations and military posts, although there still were constitutional and court proceedings pending settlement.<sup>232</sup> This situation constitutes a gross violation of their right to freedom of association and the rights to due process of law and judicial protection.

126. Because of the above-mentioned facts, the IACHR confirms the forecasts carried out in its preceding report on the punitive and chilling character of Law No. 1040, the Law Governing Foreign Agents, which is now operating jointly with other national legislative provisions.<sup>233</sup> The facts described previously highlight the state's intention to use any mechanism whatsoever to constrain public debate and thwart civil society's democratic participation in the domestic affairs of the state. Enforcement of the law has inhibitory effects on actions to file complaints, defend human rights, and provide services by those civil society organizations that receive support or funding from abroad to achieve their social or humanitarian objectives.<sup>234</sup>

127. In practice, enforcement of Law No. 1040, along with the disproportionate penalties set in said statute, constitutes a gross violation of the rights to freedom of association, freedom of expression, to take part in public affairs, to protest and defend human rights, among others. Likewise, the exercise of these rights, in particular the right to freedom of expression, acquires special importance in the context of general elections where a plural debate and critical discussions about the capability and suitability of the candidates are indispensable for shaping the collective will.<sup>235</sup> In any case, the IACHR recalls that any direct or indirect restriction on the exercise of the right to freedom of association, in addition to being provided for in law, must pursue a legitimate end and must also be necessary and proportional in the framework of a democratic society.<sup>236</sup>

#### *Women Defenders of Human Rights*

128. The IACHR observes that acts of violence, threats, aggression, harassment, and surveillance witnessed during the period under review have been committed, for the most part, against women defenders of human rights because of the leading role they play in defending human rights in Nicaragua, which, in turn, exposes them to differentiated gender-based risks as examined below.

129. According to information from the Meso-American Initiative of Women Defenders of Human Rights (*Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos—IM-Defensoras*), in the first quarter of the year alone, about 540 acts of aggression against women defenders were recorded.<sup>237</sup> Among these incidents, the one referred to earlier is noteworthy regarding the disproportionate repression by the National Police and alleged paramilitary groups against the members of the April Mothers Association (AMA) during the commemoration of the third anniversary of the protests of April 2018. During the detentions, the IACHR was apprised of possible acts of gender-based violence and degrading treatment against the detained

<sup>232</sup> IACHR. Press release No. 030/2021, [La CIDH condena los actos de destrucción sobre bienes de organizaciones civiles en Nicaragua](#) [IACHR Condemns Destruction of Civil Organizations' Property in Nicaragua], February 8, 2021; and ILLS, Informe sobre el Estado de la Usurpación de la Fundación para los derechos humanos Instituto de Liderazgo de Las Segovias por parte de la dictadura Ortega Murillo en Nicaragua [Report on the misappropriation of the human rights foundation Las Segovias Leadership Institute by the Ortega-Murillo dictatorship in Nicaragua], February 8, 2021.

<sup>233</sup> IACHR. [Informe Anual 2020. Capítulo IV. B Nicaragua](#) [Annual Report 2020, Chapter IV.B Nicaragua], OEA/Ser.L/V/II. Doc. 28, March 30, 2021, paras. 141-143.

<sup>234</sup> IACHR. Press release No. 043/2021, [La CIDH rechaza la Ley de Agentes Extranjeros en Nicaragua y llama al Estado de Nicaragua a su derogación](#) [IACHR Rejects Nicaragua's Foreign Agents Act and Calls on the State to Repeal it], February 25, 2021.

<sup>235</sup> I/A Court H.R. Case of Ricardo Canese v. Paraguay. Merits, reparations, and costs. Judgment of August 31, 2004, Series C No. 111, paras. 87 and 88.

<sup>236</sup> IACHR. Press release No. 265/18, [CIDH condena la cancelación de la personalidad jurídica de organizaciones de derechos humanos en Nicaragua](#) [IACHR Condemns Cancellation of the Legal Personality of Human Rights Organizations in Nicaragua], December 13, 2018.

<sup>237</sup> IM-Defensoras. "[Policía Nacional intensifica campaña de hostigamiento y ataques contra integrantes de la Asociación Madres de Abril y CENIDH](#)" [National Police escalate campaign of harassment and attacks against members of the Mothers of April Association and CENIDH], April 24, 2021.



women. In particular, the women were required to undress and do squats naked in front of other police officers. It was also reported that they had received multiple threats and acts of surveillance before, during, and after detention, leading the organization's president to move from her home.<sup>238</sup>

130. The IACHR also condemned, and received information about, other detentions carried out by the state against the women defenders María Oviedo, indicated earlier, and Danelia del Rosario Argüello Cano, beneficiary of precautionary measures.<sup>239</sup> The Commission recently was apprised of the detention of the activist Samantha Padilla who is a political activist and journalist.<sup>240</sup> In addition, on November 18, the Commission was informed of the situation of isolation of Dora María Téllez, Tamara Dávila, Ana Margarita Vijil, and Suyén Brahona punished by being placed in solitary confinement prison cells for more than 159 days.

131. Furthermore, the IACHR also observes with concern the removal of the legal status of civil society organizations that have a long track record defending the human rights of women, among which the Association of the Matagalpa Women's Collective (*Asociación Colectivo de Mujeres de Matagalpa*), the Oyanka Association of Jalapa Women against Violence (*Asociación de Mujeres de Jalapa contra la Violencia Oyanka*), and the Foundation between Volcanoes (*Fundación Entre Volcanes*).<sup>241</sup> Said measures constitute gross violations of these organizations' rights to association and freedom of expression and constitute an undermining of the valuable support and protection provided by civil society for the benefit of women, girls, and adolescents victims of gender-based violence and discrimination or who suffer from conditions of structural inequality in Nicaragua.

132. The IACHR recalls that acts against women defenders exerts a differentiated impact, in view of the degree of their vulnerability because of the conditions of historical discrimination they have sustained and the impact of gender stereotypes on their role in society.<sup>242</sup> The Commission has also noted that, in addition to the multiple vulnerabilities they encounter because of their gender and other intersectional factors, women defenders are exposed to an incremental risk of suffering from acts of violence, threats, harassment, assaults, and other violations of the right to live a life without violence, especially in militarized contexts and countries immersed in conflict.<sup>243</sup> Regarding this, the IACHR has been emphatic about urging the state to fulfill its obligations to eliminate structural risk factors encountered by women, as well as its duty to protect and ensure reinforced due diligence when investigating incidents of violence against women journalists and human rights defenders to guarantee their human rights, as well as their activities, which are key for the development of democracy and the rule of law.<sup>244</sup>

<sup>238</sup> IACHR. Resolution 60/2021, [Ampliación de Medidas Cautelares respecto de Nicaragua, Francis Valdivia Machado y su núcleo familiar respecto de Nicaragua](#) [Extending Precautionary Measures to Francys Valdivia Machado and her family regarding Nicaragua], August 7, 2021, paras. 18-21.

<sup>239</sup> IACHR. Resolution 27/2021, Extending Precautionary Measures regarding Nicaragua, [Asunto Danelia del Rosario Argüello Cano y su núcleo familiar respecto de Nicaragua](#) [Case of Danelia del Rosario Argüello Cano and her family regarding Nicaragua], March 14, 2021.

<sup>240</sup> IM-Defensoras. [Civiles motorizados y armados detienen ilegalmente a la activista Samantha Padilla y la trasladan a Estación de policía](#) [Motorized and armed civilians unlawfully detain the activist Samantha Padilla and take her to the police station], November 10, 2021; and *La Prensa*. [Fiscalía acusa a Samantha Jirón. En calidad de víctima figura la sociedad nicaragüense y el Estado](#) [Office of the Prosecutor charges Samantha Jirón. Nicaraguan society and state appear as victims in the case], November 14, 2021.

<sup>241</sup> Im-Defensoras. ["Gobierno nicaragüense cancela la personería jurídica de otras tres organizaciones feministas"](#) [Nicaraguan government removes legal status of three other feminist organizations], August 27, 2021; and *Nicaragua Investiga*. ["Cancelación de personalidad jurídica a colectivo de mujeres no detendrá trabajo contra la violencia"](#) [Removal of legal status of women's collective shall not stop them from working against violence], September 22, 2021.

<sup>242</sup> IACHR. [Informe sobre la Situación de las Defensoras y Defensores de Derechos Humanos en las Américas](#) [Report on the Situation of Human Rights Defenders in the Americas], OEA/Ser.L/V/II.124. Doc. 5 rev.1, March 7, 2006, para. 46.

<sup>243</sup> IACHR. [Violencia y discriminación contra mujeres, niñas y adolescentes: Buenas prácticas y desafíos en América Latina y en el Caribe](#) [Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean], OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 127.

<sup>244</sup> IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OEA/Ser.L/V/II. Doc. 207/17. December 29, 2017.



133. Because of the above, the IACHR has pointed out that the state must guarantee the right of human rights defenders to carry out their work without fear of retaliation and undue pressure. The state must also implement prevention strategies and urgent, comprehensive protection measures that are specialized and culturally adequate, with an intersectional perspective, to ensure that women can carry out their work of protecting human rights, political participation and representation, and exercise their right to freedom of expression and opinion, without any form of violence or discrimination.<sup>245</sup>

## **B. Indigenous Peoples and Afrodescendants of the Caribbean Coast of Nicaragua**

134. The Inter-American Commission has continued to monitor and permanently examine the situation of the indigenous peoples and Afrodescendants of the Caribbean Coast of Nicaragua, especially with respect to their historical grievances with regard to their ancestral territories and other incidents of violence that have escalated again and worsened, because of extractive industry activities in indigenous territories and the climate of systematic impunity in which these human rights violations have remained, in the context of the serious human rights crisis affecting the country since April 2018.

135. This year, the IACHR observes an escalation of the violence against the communities because of encroachment on their ancestral territories by colonizers and third parties, who acted with the acquiescence and tolerance of the state and the incentives of the private sector.<sup>246</sup> As a result of these events, in 2021, at least 13 indigenous persons had been killed and 8 seriously injured.<sup>247</sup> According to information provided to the IACHR, since 2011 up until now, the following has been recorded: 61 indigenous persons killed, 49 assaults resulting in severe injuries against members of the communities, 46 kidnappings, and 4 persons disappeared.<sup>248</sup> According to information provided about the context of violence, the attacks were perpetrated by economic interest groups linked to mining activities, especially gold mining, as well as logging and livestock activities.<sup>249</sup> Since the harassment started, organizations have reported that more than 3,000 indigenous persons have been displaced from their territories.<sup>250</sup>

136. In connection with the violent events of 2021, on January 22, the Commission received reports, via the MESANI, of the attack perpetrated by colonizers with high-caliber firearms against the Karah Wilú Community, on the hill of Tubuyna, located in Mayangna Sauni As territory close to the Tuybangkana, Musawas, and Alal communities. According to reports received and public information, three indigenous Mayangna forest rangers were injured by colonizers who presumably had entered said indigenous territory in

<sup>245</sup> IACHR. [Violencia y discriminación contra mujeres, niñas y adolescentes: Buenas prácticas y desafíos en América Latina y en el Caribe](#) [Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean], OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 130.

<sup>246</sup> In connection with the attacks in 2021, the IACHR received the following report: CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021.

<sup>247</sup> CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, pp. 15 and 16; and additional information provided by civil society to the IACHR. September 28, 2021, pp. 9 and 10.

<sup>248</sup> Additional information provided by civil society to the IACHR, September 28, 2021, p. 9.

<sup>249</sup> CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, pp. 8-10; additional information provided by civil society to the IACHR, September 28, 2021, p. 6; and CEJIL, OMCT, Race & Equality, CALPI, and Oakland Institute. Additional information provided to the Thematic Hearing of 179 period of sessions, April 6, 2021, pp. 12-18.

<sup>250</sup> CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, p. 10.

June 2020.<sup>251</sup> Despite complaints repeatedly filed with public authorities and a community assembly held days after the attack with members of the National Police and the Nicaraguan Army, they were informed that the state had not taken any measures to safeguard said territories from future attacks or to investigate the events that had occurred.<sup>252</sup>

137. Likewise, on March 4, 2021, the IACHR received public information on the attack perpetrated by a group of colonizers in the Kimakwas community of the Mayangna Sauni Arungka territory, against two Mayangna indigenous persons: among the most affected was a 17-year-old Mayangna minor. During the attack, possible evidence of kidnapping and torture against one of the victims was reported.<sup>253</sup> Afterwards, on May 10, 2021, another attack was recorded, against Mayangna indigenous persons from the Mayangna Community of Silamwas, located in the Mayangna Sauni Arungka indigenous territory. On that occasion, one of the colonizers was pronounced dead and another wounded as a result of the confrontation.<sup>254</sup>

138. On June 14, another armed attack occurred against two Miskitu indigenous persons from the Santa Fé Community, who had entered into their own territory in search of two missing heads of cattle. According to the complaints and testimonies received, one of them ended up being killed and the other, a 17-year-old minor, sustained severe injuries to one of his limbs which almost led to the loss of one hand. As a result of this situation of risk, it was reported that the community's women, children, adolescents, and older persons were taken out of the community to guarantee their protection.<sup>255</sup> The IACHR took into account these acts of violence, in addition to other relevant information on third-party encroachment on the land, the ban on entering their own territory, and death threats against members of the Santa Fé Community, when requesting the Inter-American Court to extend the provisional measures granted since 2016 to the communities of the Miskitu indigenous people of the Region of the North Caribbean Coast.<sup>256</sup> The resolution for extension was

<sup>251</sup> *La Prensa*. "[Ataque de colonos a territorio indígena deja tres heridos de bala. Confirman organizaciones](#)" [Attack by colonizers on indigenous territory leaves three persons with gunshot wounds, organizations confirm], January 22, 2021; *Confidencial*. "[Tres heridos de bala en ataque de colonos en Wilu, Bosawás](#)" [Three persons with gunshot wounds in attack by colonizers in Wilu, Bosawás], January 24, 2021; CALPI. Press release: "[Atacan con metralletas USE y escopetas al Pueblo Mayangna en Bosawás](#)" [Mayangna People attacked with USE sub-machine guns and shotguns], January 25, 2021; and CALPI. Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua, June 21, 2021, p. 15.

<sup>252</sup> *Confidencial*. "[Tres heridos de bala en ataque de colonos en Wilu, Bosawás](#)" [Three persons with gunshot wounds in attack by colonizers in Wilu, Bosawás], January 24, 2021; and *La Prensa*. "[‘Hemos hecho bastantes denuncias’. Autoridades se reúnen con comunidades indígenas, pero no responden a su clamor](#)" [‘We have filed many complaints’: Authorities meet with indigenous communities but do not respond to their outcry], February 1, 2021.

<sup>253</sup> FIDH. "[Nicaragua: Ataque armado contra defensores indígenas Antonio López Rufus y Leve Pedro Devis](#)", [Nicaragua: Armed attack against indigenous defenders Antonio López Rufus and Leve Pedro Devis], March 19, 2021; OMCT. "[Nicaragua: Ataque armado contra los defensores indígenas Antonio López Rufus y Leve Pedro Devis](#)" [Nicaragua: Armed attack against indigenous defenders Antonio López Rufus and Leve Pedro Devis], March 19, 2021; and CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#), [Gross Human Rights Violations of the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of the North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, p. 15.

<sup>254</sup> CALPI. Press release: "[Tercer Ataque a los Mayangna y la Política Partidaria](#)" [Third Attack on the Mayangna and Party Politics], May 25, 2021; and CALPI. [Graves Violaciones a los Derechos Humanos de los Pueblos Indígenas Miskitu y Mayangna en la Región Autónoma de la Costa Caribe Norte \(RACCN\) de Nicaragua](#) [Gross human rights violations against the Miskitu and Mayangna Indigenous Peoples in Autonomous Region of North Caribbean Coast (RACCN) of Nicaragua], June 21, 2021, p. 15.

<sup>255</sup> *Artículo 66*. "[Emboscada de supuestos colonos armados en territorio miskito deja un campesino fallecido](#)" [Ambush of alleged armed colonizers in Miskitu territory leaves one peasant dead], June 15, 2021; Prilaka Community Foundation, [Denuncia pública de los hechos del 14 de junio](#) [Public denunciation of June 14 incidents], June 15, 2021; and I/A Court H.R. [Ampliación de Medidas Provisionales respecto de Nicaragua](#), Extension of Provisional Measures regarding Nicaragua: Case of dwellers of Miskitu indigenous communities of the northern Caribbean coastal region, October 14, 2021, paras. 8 and 16.

<sup>256</sup> IACHR. Press release No. 242/2021, [CIDH solicita a Corte Interamericana ampliar medidas provisionales a favor de las comunidades del pueblo indígena Miskitu en Nicaragua](#) [IACHR asks Inter-American Court to extend provisional measures in favor of communities of Miskitu indigenous people in Nicaragua] September 17, 2021.

granted on October 14, 2021, as a result of which the provisional measure is at present still in force for the nine communities of that region.<sup>257</sup>

139. On August 27, the IACHR condemned the killing, perpetrated by colonizers, of about 11 to 16 Mayangna and Miskitu indigenous persons<sup>258</sup> who were working in a small traditional mine in the vicinity of the sacred hill of Kiwakumbaih, located in the area of Suniwas, in Mayangna Sauni As territory, in the Bosawás Biosphere Reserve.<sup>259</sup> As a result of the attack, the deaths of an adolescent and six-year-old indigenous child were reported. Both witnesses and public authorities also reported finding two indigenous women who had been the victims of rape, with possible evidence of torture and cruel, inhumane, and degrading treatment, as one of them had one of her arms mutilated.<sup>260</sup> As for the National Police, they reported the detention of three persons and eleven indigenous suspects. The official version of the police identified community members as those responsible for the massacre, allegedly because of internal disputes in the indigenous territory.<sup>261</sup> Nevertheless, several organizations and witnesses identified inconsistencies in the version submitted by the authorities.<sup>262</sup>

140. The Commission indicates that the aggression, killings, and harassment by the colonizers against the indigenous communities and their defenders have as their underlying cause the failure to secure land titling clearance for their ancestral lands previously granted to them by the state, as well as extractive industry and cattle raising activities promoted by the central government and the private sector in the territories of the Autonomous Region of the North Caribbean Coast (*Región Autónoma de la Costa Caribe Norte—RACCN*) and the Autonomous Region of the South Caribbean Coast (*Región Autónoma de la Costa Caribe Sur—RACCS*), and the climate of flagrant impunity and absence of due diligence in the investigation into the aggression, killings, and harassment against the indigenous peoples and their defenders.

141. Regarding the failure to secure titling clearance for the lands, once again the IACHR received testimonies and consulted public information about the adoption of measures to hamper full recognition, use, and enjoyment of indigenous ancestral territories. Among these, there is the illegal sale, lease, and titling of the lands, both this year and previous years, on the basis of endorsements, public deeds, and contracts facilitated

<sup>257</sup> I/A Court H.R. [Ampliación de Medidas Provisionales respecto de Nicaragua](#), Extension of Provisional Measures regarding Nicaragua: Case of dwellers of Miskitu indigenous communities of the northern Caribbean coastal region, October 14, 2021, paras. 8 and 16.

<sup>258</sup> CALPI. “[Ningún mayangna debe venir aquí porque serán asesinados](#)” [No Mayangna person should come here because they will be killed], August 28, 2021; International Federation for Human Rights (FIDH). Nicaragua: “[Nueva matanza contra defensores indígenas en la Reserva de Bosawás](#)” [New massacre against indigenous defenders in the Bosawás Reserve], September 3, 2021; and additional information provided by civil society to the IACHR, September 28, 2021, p. 10.

<sup>259</sup> “#Nicaragua #CIDH condena ataque contra comunitarios mayangnas y miskitus de la comunidad Kiwakumbaih, territorio de Musawas, en reserva biósfera Bosawas, perpetrado, según información pública, por colonos armados. Al menos 11 personas indígenas habrían sido asesinadas. 1” [Nicaragua and IACHR condemn attack on Mayangnas and Miskitu members of Kiwakumbaih community, territory of Musawas in the Bosawás Biosphere Reserve, perpetrated, according to public information, by armed colonizers. At least 11 indigenous persons were killed.] Twitter account of IACHR (@CIDH), [publicación del 27 de agosto de 2021](#) [posted on August 27, 2021].

<sup>260</sup> Statement by the Government of Mayangna Women of Nicaragua on the new massacre of first-nation peoples of the Mayangna Sauni As Territory, city of Bonanza, Mining Triangle of Nicaragua. *Revista Amazonas*, August 27, 2021; *AP News*. “[ONG reportan 12 muertos por ataque a comunidad en Nicaragua](#)” [NGO reports 12 dead as a result of attack on community in Nicaragua], August 25, 2021; and additional information provided by civil society to the IACHR, September 28, 2021, p. 10.

<sup>261</sup> *Associated Press*. “[Nicaragua reporta asesinato de 9 indígenas por “discordias”](#)” [Nicaragua reports killing of 9 indigenous persons because of “disputes”], September 8, 2021; and *19 Digital*, “[Policía presenta a los autores de muertes homicida en el cerro Pukna en Bonanza](#)” [Police presents the perpetrators of homicide deaths on the hill of Pukna in Bonanza], September 8, 2021.

<sup>262</sup> Among the inconsistencies, it was pointed out that no third party was singled out as allegedly responsible for the attack, that two of the persons detained are brothers of one of the rape victims, that forcible entries and searches were conducted hastily in search of arms days before the press conference, and that the attacks occurred in the context of previous encroachment on their territories. CALPI. [Press release](#): El pueblo indígena mayangna exige a las autoridades nicaragüenses protección no represión [Press release: Mayangna Indigenous People call on Nicaraguan authorities to provide protection not repression], September 2, 2021; *InterTextual*, [Conferencia de Prensa](#): Masacre indígena [Press Conference: Indigenous Massacre], September 9, 2021; and additional information provided by civil society to the IACHR, September 28, 2021, p. 12.

by political authorities, attorneys, public notaries, and even some members of the indigenous communities.<sup>263</sup> New complaints have also been filed on the imposition and recognition of parallel governments by regional or local governments, facilitated, in some cases, by alleged “manuals of certification of territorial and/or community authorities.”<sup>264</sup> These events prevent lawfully elected authorities to file claims against the above-mentioned activities and indicate the high degree of corruption, complicity, and facilitation of the violations of the rights of indigenous peoples to their collective property and free self-determination.

142. Likewise, the IACHR learned of the problems being described during its 179 period of sessions, at its Thematic Hearing: *Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua*. The petitioning organizations submitted data on the number of Mayangna and Miskitu victims killed between 2011 and March 2021, reporting possible gross human rights violations against these communities and informing about the impact of extractive industry activities on their territories. They also provided information about the obstacles, harassment, and threats sustained by the defenders of the human rights of indigenous peoples.<sup>265</sup> In both cases, the high degree of impunity and the absence of actions by authorities to address these incidents were highlighted.

143. As for the state, it recognized that there were challenges with respect to the presence of third parties in indigenous territories and indicated that various state institutions are participating in constant patrolling in the country’s protected reserves. In connection with the investigations conducted, it informed about the processing of 18 cases in the criminal system involving indigenous land disputes, 8 of which went to trial, resulting in 14 convictions. Finally, attention was drawn to the precautionary and provisional measures issued by bodies of the inter-American system, as well as the norms and mechanisms to prevent damages caused by cattle raising and logging. The state recognized it was not aware of the information submitted by civil society and urged it to share it so that measures could be adopted.<sup>266</sup>

144. In connection with the above, the IACHR reiterates its call to the state to adopt urgent and differentiated measures to protect the territories and natural resources of indigenous peoples and Afrodescendant communities and to draw up these measures in consultation and coordination with them. In particular, by the implementation of preventive actions and the deployment of security forces in those territories principally impacted by third-party encroachment and extractive industry activities as indicated above. It also invites the state to recognize the central role that these territories and resources have for the communities to enjoy and exercise their rights, safeguard their cultural identity and ancestral practices, and facilitate their livelihood and development. The Commission recalls the state’s duty to guarantee the indigenous and Afrodescendant communities and their defenders the right to a life without violence, in the face of threats, aggression, and other acts of intimidation by third parties or companies in their territories. In particular, the IACHR urges compliance with the protection measures granted in the framework of the inter-American system and the recommendations made by the Commission.

<sup>263</sup> According to reports, the new sectors allegedly affected between 2018 and 2021 would be Awás Rau, Pukna, Kiwakunbahi, Wasnimak Asangni, Saubi, “Masiwas,” Yapuwas, Sutakwas, Sabawas kipi, Kalan Sah. CEJIL, OMCT, Race & Equality, CALPI y Oakland Institute. Additional information provided to the Thematic Hearing of the 179 period of sessions, April 6, 2021, pp. 8-11; Community Forest Rangers of the Mayangna Sauni As Territory, [Boletín No. 1. Nos están matando por defender nuestros bosques](#) [Bulletin No. 1: They’re killing us because we’re defending our forest], June 2021; and Community Forest Rangers of the Mayangna Sauni As Territory, [Boletín No. 2. Tráfico y venta de la tierra comunitaria en el territorio](#) [Bulletin No. 2. Trafficking and sale of community land in the territory], October 2021.

<sup>264</sup> CALPI. Press release: “[Atacan con metralletas USE y escopetas al Pueblo Mayangna en Bosawás](#)” [Mayangna People in Bosawás attacked with USE sub-machine guns and shotguns], January 25, 2021; additional information provided by civil society to the IACHR, September 28, 2021, p. 4; and *República 18*, “[Régimen de Daniel Ortega impone gobiernos paralelos en el Caribe Sur de Nicaragua](#)” [Daniel Ortega regime imposes parallel governments in southern Caribbean of Nicaragua], November 3, 2021.

<sup>265</sup> CEJIL, OMCT, Race & Equality, CALPI, and Oakland Institute. Additional information to the thematic hearing of the 179 period of sessions: *Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua*, April 6, 2021, pp. 3-7.

<sup>266</sup> IACHR. 179 period of sessions, [Audiencia Temática: Impacto de la colonización en territorios indígenas de la Costa Atlántica en Nicaragua](#) [Thematic Hearing: Impact of colonization on indigenous territories of the Atlantic Coast in Nicaragua], March 18, 2021.



145. Regarding this, the bodies of the inter-American system have asserted that the spiritual relationship with the space and territory occupied by the indigenous peoples, from a collective dimension, is protected by Article 21 of the American Convention on Human Rights. By virtue of the above, the state has the obligation to title, delimit, demarcate, and guarantee the clearance of ancestral territory with respect to third parties, in line with the world vision of the peoples. This last obligation entails the following: guaranteeing the full use, possession, and effective enjoyment of their territories and natural resources; when there are disputes with individuals, receiving protection and reparation measures, on the basis of adequate and effective procedures; effectively investigating and punishing those responsible for attacks; establishing rapid and effective special mechanisms to settle legal disputes over the lands; and avoiding their displacement, or, if appropriate, facilitating the return, resettlement, and/or relocation of displaced communities.<sup>267</sup>

146. The Commission highlights the state's responsibility to guarantee prior consultation processes with respect to any economic activities carried out in these territories and that they should be developed in good faith, in compliance with their governance mechanisms and authorities and in order to secure their free, prior, and informed consent.<sup>268</sup> Finally, it recalls that both the state and public enterprises, mixed and/or private, that are engaging in productive activities in indigenous or adjacent territories have a general and specific duty to prevent, as a priority, any incident that might undermine the rights of the indigenous communities, in particular, by implementing warning, coordination, and response mechanisms in those places where they operate.<sup>269</sup>

### C. Persons Deprived of Liberty

147. In 2021, the IACHR received information about the harsh detention conditions in which persons deprived of their liberty in connection with the protests that started in 2018 are living, including complaints of mistreatment, solitary confinement, retaliations, absence of medical care and food, among others. These incidents are especially targeting persons labelled as political dissidents who are being detained in the facilities of the "new Chipote" penitentiary.

148. Regarding this, information received by IACHR about 34 persons who are deprived of liberty and are being held in the "new Chipote" indicates complaints of cruel and inhumane treatment and the application of solitary confinement ordered without any objective criteria, as well as constant interrogations at different times of the day. According to available information, the interrogations are conducted frequently, with insults and the use of violence by state agents, for the purpose of securing a confession of their political participation or information about other persons. Likewise, the IACHR received reports about the absence of medical care, unhealthy conditions in the prison cells, the removal of belongings, the absence of access to clean

<sup>267</sup> IACHR. Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources. Norms and Jurisprudence of the Inter-American Human Rights System, OEA/Ser.L/V/II. Doc. 56/09, December 30, 2009, paras. 88, 113, and 144; IACHR. Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities, OEA/Ser.L/V/II. Doc. 47/15, December 31, 2015, paras. 127, 135, and 307; and UN-OCHA. Commission on Human Rights, [Principios Rectores de los Desplazamientos Internos](#) [Guiding Principles on Internal Displacement], E/CN.4/1998/53/Add.2, February 11, 1998, Principles 9 and 28.

<sup>268</sup> The inter-American system has established that all consultation processes must be conducted freely and in good faith, which entails refraining from any form of direct or indirect coercion by the state or third parties acting with its authority or acquiescence. The Commission recalls that the obligation of good faith is incompatible with actions aimed at undermining the social cohesion of the affected communities, either by corrupting leaders, by establishing parallel leaders, or by negotiating with individual members of the community, all of which are contrary to international standards I/A Court H.R. Case of the Kichwa Indigenous People of Sarayaku v. Ecuador. Merits and Reparations. Judgment of June 27, 2021, paras. 177 and 186.

<sup>269</sup> IACHR. Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources. Norms and Jurisprudence of the Inter-American Human Rights System, OEA/Ser.L/V/II. Doc. 56/09, December 30, 2009, paras. 217 and 228; IACHR. Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities, OEA/Ser.L/V/II. Doc. 47/15, December 31, 2015, paras. 86, 94-97; and IACHR. Business and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. CIDH/REDESCA/INF.1/19, November 1, 2019, paras. 112 and 304.



water, and deficient, insufficient, and unhygienic food.<sup>270</sup> Among others, on September 9, the Commission was apprised of the situation of Lester Aleman, who has been detained since July 5, 2021 in the prison cells of the Judicial Aid Department and had been subjected to constant interrogations, psychological torture, and impediments to receiving food, medical care, visits from family and his legal representatives for long periods of time, which had led to a deterioration in his physical and mental health.<sup>271</sup>

149. The IACHR observed the lack of adequate and timely medical care for persons with different ailments and illnesses prior to detention, such as high blood pressure and diabetes, which would have seriously jeopardized the health of these detainees. The IACHR also received information indicating that, subsequent to detention, their family members had observed a conspicuous loss of weight, because the food they received was inadequate, deficient, and unhygienic; lack of access to clean water and the medicines or medical supplies needed; and the use of treatments for blood pressure and anxiety without any prescriptions from medical specialists in the field. They also stressed that, in most cases, the detainees had not been treated by any forensic physician or specialist and that the detention centers do not benefit from any medical and health staff to provide adequate medical care to the detainees.

150. Regarding this, the IACHR stresses the serious situation of the opposition leader, 68-year-old José Pallais, beneficiary of provisional measures granted by the Inter-American Court, who is being detained in the Judicial Aid Department since June 9, 2021 and is ill with serious chronic diseases such as heart problems diabetes, high blood pressure, obesity, glaucoma, sleep apnea, and problems of the spinal column. On September 6, the IACHR was informed that, because of the absence of medical care and the deficient food he was being given, they had prescribed medicines for vertigo to prevent dizziness and vomit, and that after several requests made by his family members and legal representatives, they had permitted the entry of a special chair for sleep apnea, but without permitting the entry of a mattress, so that at present he has sores on his back and they had not authorized admittance of medicines to treat this new ailment.

151. On the other hand, the IACHR is particularly concerned about the situation of Dora María Téllez, Tamara Dávila, Ana Margarita Vijil and Suyén Brahona, who, as of the closing date of this report, have been held in punishment cells and solitary confinement for more than 159 days. In that regard, the family members of the detainees reported that, for the visit allowed in the Judicial Aid Department in November, the persons deprived of liberty reported that they continued to be isolated in darkness without being allowed to receive sunlight frequently; the constant interrogations; the lack of access to adequate food, which aggravates their chronic illnesses; the refusal to allow access to their attorneys; blocking admittance of food being sent by their family members; the lack of medical and dental care; and the requirements to remain in silence 24 hours a day.<sup>272</sup>

152. Regarding this, the Inter-American Court on Human Rights has pointed out that, “according to international human rights law, being held incommunicado must be the exception and its use during detention may constitute an act contrary to human dignity, as it can lead to a situation of extreme psychological and moral suffering for the detainee.”<sup>273</sup> Furthermore, the Inter-American Court has considered that “prolonged isolation and being coercively held incommunicado represents, in itself, a cruel and inhumane treatment, harmful to the psychic and moral integrity of the person and the right of all detainees to due respect for dignity inherent to all

<sup>270</sup> IACHR. Press release No. 238/21 [La CIDH y la OACNUDH condenan criminalización, faltas al debido proceso y graves condiciones de detención de personas consideradas como opositoras en Nicaragua](#) [IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failures to Enforce Due Process for Individuals who are Perceived to be Government Critics in Nicaragua], September 10, 2021.

<sup>271</sup> *Confidencial*. “La condición de Lester Alemán es grave y preocupante, denuncia AUN” [AUN reports that Lester Alemán’s condition is serious and of alarming], September 9, 2021.

<sup>272</sup> *Confidencial*. “Presos políticos: más de cinco meses de asilamiento, interrogatorios y torturas” [Political prisoners: More than five months of solitary confinement, interrogations, and torture], November 18, 2021.

<sup>273</sup> I/A Court H.R. [Asunto Juan Sebastián Chamorro y otros respecto de Nicaragua. Medidas Provisionales](#) [Case of Juan Sebastián Chamorro et al. v. Nicaragua: Provisional Measures]. Order of the Inter-American Court of Human Rights of June 24, 2021, para. 36.

human beings. To that extent, the states must also guarantee that persons deprived of liberty may contact their family members. In effect, this situation of being held incommunicado not only prevents observing the current situation of the proposed beneficiaries, their detention conditions, and the status of their health, but it also involves an encroachment on the procedural guarantees pertaining to every detainee.”<sup>274</sup>

153. Finally, in connection with the persons detained in the Jorge Navarro National Penitentiary System (La Modelo),<sup>275</sup> information available to the IACHR indicates that their situation had not changed with respect to overcrowding and unsanitary conditions, removal of belongings, mistreatment, enforcement of maximum security systems ordered without any objective criteria, and the lack of adequate and timely medical care.<sup>276</sup>

154. The Commission urges Nicaraguan authorities to guarantee decent treatment of persons in its custody and access to adequate medical care, sufficient nutritional food, and healthy detention conditions.<sup>277</sup> The IACHR stresses that providing adequate medical care to persons deprived of liberty is an obligation directly stemming from the state’s duty to guarantee the right to personal integrity contained in Articles 1.1 and 5 of the American Convention and Article 1 of the American Declaration. The IACHR also urges the state to adopt the necessary measures to prevent the propagation of COVID-19 in detention centers, ensuring decent and adequate detention conditions, pursuant to inter-American standards in the matter and taking into consideration resolution No. 1/2020, Pandemic and Human Rights in the Americas.<sup>278</sup>

## D. Persons in the Context of Human Mobility

155. Since the beginning of the crisis in April 2018, the Commission, via the MESENI, has been monitoring the situation of Nicaraguans who were forced to flee their country. According to data recorded by UNHCR, more than 110,000 persons have been forced to flee Nicaragua and to seek asylum because of persecution and human rights violations; among these, 80,312 fled to Costa Rica, 10,127 to the United States of America, 5,841 to Panama, and an additional 7,661 to Europe, whereas Mexico has received about 3,362 Nicaraguans.<sup>279</sup>

156. In 2021, the IACHR received information about the rising number of Nicaraguans who had decided to leave their country because of the escalation of repression in the country and the climate of fear as a result of the perpetuity of the police state that has criminalized democracy, use of the repressive system to enforce laws, the economic and social decline, the unemployment, and the ongoing human rights violations in the country.<sup>280</sup>

157. In that regard, the Commission was informed about the entry of Nicaraguan immigrants into the United States of America, according to public information, between January and August 2021, and U.S.

<sup>274</sup> I/A Court H.R. [Asunto Juan Sebastián Chamorro y otros respecto de Nicaragua. Medidas Provisionales](#) [Case of Juan Sebastián Chamorro et al. v. Nicaragua: Provisional Measures]. Order of the Inter-American Court of Human Rights of June 24, 2021, para. 36.

<sup>275</sup> Mechanism for the Recognition of Political Prisoners, “[Lista – Informe preliminar personas presas políticas en Nicaragua](#)” [List – Preliminary Report on Political Prisoners in Nicaragua], October 29, 2021.

<sup>276</sup> IACHR. Resolution No. 37/2021. Precautionary measures 37/2021 – [Gustavo Adolfo Beteta y familia. Nicaragua](#) [Gustavo Adolfo Beteta and his family, Nicaragua], April 30, 2021.

<sup>277</sup> IACHR. Press release No. 238/21. [La CIDH y la OACNUDH condenan criminalización, faltas al debido proceso y graves condiciones de detención de personas consideradas como opositoras en Nicaragua](#) [IACHR, OHCHR Condemn Criminalization, Harsh Conditions of Detention, and Failures to Enforce Due Process for Individuals who are Perceived to be Government Critics in Nicaragua], September 10, 2021.

<sup>278</sup> IACHR. Resolution No. 1/2020, [Pandemia y Derechos Humanos en las Américas](#) [Pandemic and Human Rights in the Americas], adopted by the IACHR on April 10, 2020.

<sup>279</sup> UNHCR. [Nicaragua Situation Operational Update. January – June 2021](#), August 31, 2021.

<sup>280</sup> Expediente público. “[El nuevo fraude electoral en Nicaragua provocará mayor migración](#)” [New electoral fraud in Nicaragua will trigger more migration], November 10, 2021.

authorities had intercepted along their southern border about 41,500 Nicaraguans who had attempted to enter the country seeking political asylum.<sup>281</sup> The Commission has also received information that, between January and September 2021, about 23,000 Nicaraguans sought asylum in Costa Rica<sup>282</sup> and, although said country has a receptive policy, the asylum seekers have limited access to work, education, health, and other rights.<sup>283</sup> Among the principal challenges being encountered by Nicaraguan immigrants, there are the barriers to access to post-secondary education because of its high cost and the absence of financial aid, which has meant that Nicaraguans are in precarious conditions in terms of employment, most of their income-earning activities involve unskilled labor in the informal economy, or they are unemployed.<sup>284</sup>

158. Finally, in the course of the present year, the IACHR received information about travel restrictions and the withdrawal of identity papers from human rights defenders or persons identified as dissidents who wish to leave the country. In some cases, when attempting to leave the country, these persons are subjected to interrogations at the airport by National Police officers, as well as searches of personal documents, computers, and cell phones. These actions would be aimed at preventing these persons from exposing the human rights situation internationally. Regarding this, the IACHR urges the Nicaraguan state to guarantee that all persons can leave the territory freely.

## VI. RECOMMENDATIONS

159. On the basis of the preceding review, the Inter-American Commission reiterates its call to the state to comply with and implement the recommendations made in the Final Report on its working visit to the country, the recommendations made by its Interdisciplinary Group of Independent Experts (GIEI), as well as the recommendations made in the framework of Chapter IV.B of its Annual Reports for 2018, 2019, and 2020, which are still pending in terms of compliance. Among these recommendations:

### General recommendations

1. Adopt the necessary measures to overcome the human rights crisis by reestablishing democratic institutions, the full validity of the rule of law, and fundamental freedoms, including the freedom of expression.
2. Promote and sustain an effective, legitimate, and inclusive dialogue with civil society. To this end, the state must foster the necessary conditions for building trust among the population through the cessation of repression, recognition of the events that occurred, and compliance with its international obligations in matters of truth, justice, and reparations.
3. Release all persons detained in the context of the crisis that began in 2018, including those who were presidential precandidates, those considered opponents, and human rights defenders detained during 2021.

<sup>281</sup> France 24. "[La crisis en Nicaragua dispara las migraciones hacia EEUU](#)" [Because of crisis in Nicaragua immigration to USA skyrockets], September 18, 2021.

<sup>282</sup> Migration Policy Institute. "[Costa Rica has welcoming policies for migrants, but Nicaraguans face subtle barriers](#)," November 5, 2021.

<sup>283</sup> The IACHR and SRESCER (@CIDH and @DESCA\_CIDH) received public information indicating that persons from #Nicaragua who are asylum seekers in #CostaRica have limited access to employment, education, health, and other rights. This could even impact their vaccination for #COVID19. #MESENI #DDHH

<sup>284</sup> Migration Policy Institute. "[Costa Rica has welcoming policies for migrants, but Nicaraguans face subtle barriers](#)," November 5, 2021.

4. Initiate processes that promote truth, justice, and reparations to the victims of the serious crisis the country is experiencing.
5. End impunity for human rights violations since the beginning of the crisis in 2018.
6. Reconsider denouncing the OAS Charter as submitted on November 18, 2021.

### **Freedom of Expression**

7. Remove obstacles to the legitimate exercise of the right to protest, in particular, remove the requirement of securing prior authorization for holding protests and expressly establish the general presumption in favor of the enjoyment of the rights to freedom of assembly and freedom of expression.
8. Guarantee respect for the independence of media outlets and refrain from applying prior censorship or indirect censorship by any of the state's bodies, as well as imposing prior conditions that might entail the curtailment of freedom of expression.
9. Discontinue all legal proceedings against journalists and media workers that were arbitrarily filed to repress, sanction, and punish the exercise of the right to freedom of expression.
10. Adopt a variety of significant and sustainable measures to tackle the situation of impunity for crimes against journalists and promote a timely, diligent, independent, and transparent investigation into these cases, consistent with international human rights standards and best practices, in consultation with civil society.

### **Economic, Social, Cultural, and Environmental Rights**

11. Increase the efforts to combat poverty and extreme poverty, directing public policies to guarantee the enjoyment and benefit of economic, social, cultural, and environmental rights (ESCER), with particular attention to groups in situations of special vulnerability and the absence of guarantees as a cause for human mobility.
12. Regarding the general handling of the pandemic, the IACHR and SRESCER recommend that the state, as quickly as possible, establish a general public policy for tackling the pandemic that includes the implementation of a broad vaccination plan. It should be based on scientific criteria and take into account guidelines from specialized international organizations. The IACHR and SRESCER reiterate that any public policy decision in the framework of the pandemic must consider the recommendations made in resolutions 1/2020 and 4/2020, whereas actions for vaccination processes must be adjusted to the provisions of resolution 1/2021.
13. The state must cease all acts of harassment and persecution against health workers, especially those health professionals who have provided assistance in terms of biosafety measures for the population.
14. The state must guarantee that its environmental adaption and mitigation projects ensure widespread respect for human rights, with guarantees for the right of access to the right to a healthy environment, in accordance with inter-American standards and the Escazú Agreement to which Nicaragua is a party.
15. The state must also cease all acts of persecution and harassment against the staff and faculty of higher education establishments. In that same regard, it must guarantee the right to academic freedom in all schools of all levels, avoiding any attempt to indoctrinate ideologies and fostering educational environments that are participatory, inclusive, and diverse.

**Human Rights Defenders**

16. Cease all harassment and criminalization of human rights defenders, social leaders, and students and guarantee conditions so that they can carry out their work fully and exercise their rights, in particular their rights to freedom of expression, assembly, and association.
17. Repeal all decrees involving the removal of the legal status of civil society organizations that were adopted without guaranteeing the right of affected persons to due process of law. Immediately discontinue all administrative and criminal investigations against the organizations themselves.
18. Adjust the Law Governing Foreign Agents (Law No. 1040) to international human rights standards and refrain from restricting civil society organizations from having access to funding, including the access to foreign funding, in the framework of international cooperation and the standards governing this matter.
19. Urge state authorities to refrain from making public statements that stigmatize protesters, human rights defenders, and journalists or using means available to the state to conduct public campaigns that may encourage violence against persons because of their opinions.
20. Effectively protect defenders and journalists who are at risk due to the exercise of their journalistic work or as a human rights defender..

**Persons Deprived of Liberty**

21. Verify immediately that the application of preventive detention is conducted in conformity with international standards governing the matter, that is, the principles of exceptionality, legality, proportionality, and reasonableness. In the event that this measure does not respond solely to procedural criteria —such as flight risk or hampering the investigation—the use of alternative measures to detention must be determined.
22. Guarantee due process of law for detained persons. In particular, immediately inform the detainees, their family members, and representatives of the grounds and reasons for the detention. An adequate defense must be ensured enabling the accused persons to have regular contact with their legal representatives and to be involved in preparing for their respective hearings. In addition, it is essential for legal representatives to have unrestricted access to these hearings.
23. Guarantee the dignified treatment of people in the custody of the State. In particular, ensure they receive medical attention in line with their specific health conditions, are given sufficient food with high nutritional value, and are housed in healthy conditions.
24. Create the necessary conditions to ensure an effective contact between persons deprived of their liberty and their family members, by ensuring an adequate, regular, and scheduled system of visits. In that regard, the visits must be held at least on the basis of the periodicity stipulated in the Penitentiary Regulations, and must take place decently and in conditions that are in no way degrading for the persons deprived of their liberty. The state must also guarantee the delivery of medicines, food, and personal hygiene articles to said persons.
25. Use solitary confinement measures in connection with maximum security systems in exceptional situations, based on an individualized assessment of the risk involved, limited to the shortest amount of time possible, and as a last resort. Solitary confinement orders must be authorized by a competent authority and must be subject to independent review.



26. Adopt all necessary and comprehensive measures so that the rights of women who are detained are effectively respected and guaranteed, so that they do not suffer from discrimination and are protected against all forms of violence that may derive from their gender condition..

### **Indigenous and Afrodescendant Communities**

27. Guarantee the right of indigenous and Afrodescendant peoples to territory as the first step to safeguard their basic rights. In particular, guarantee the complete and effective demarcation, titling, and clearance of their territories in conformity with international standards and the recommendations made by the bodies of the inter-American system.
28. Adopt all legislative measures to ensure the effective exercise of the right to prior, free, and informed consultation and consent of the indigenous communities, in conformity with international standards.
29. Guarantee the right of indigenous and Afrodescendant communities and their defenders to a life without violence, in the face of threats, aggression, and other acts of intimidation by third parties or companies in their territories.
30. To effectively comply with the precautionary measures granted by the Inter-American Commission and the provisional measures of the Inter-American Court in connection with indigenous communities and Afrodescendants of the Caribbean Coast. This entails facilitating and guaranteeing the participation of the representatives of the beneficiary communities and their defenders in their enforcement.

### **Internally Displaced Persons, Immigrants, Asylum Seekers, Refugees, and Beneficiaries of Additional Protection**

31. Abstain and immediately cease acts of persecution against persons who are identified as opponents and adopt effective measures for the protection of persons who are in situations of persecution and risk.
32. Provide the necessary guarantees so that persons can freely transit and reside in Nicaragua, which necessarily entails refraining from continuing the criminalization and generating the causes that lead to the displacement of Nicaraguan people.
33. Protect and provide humanitarian assistance to persons who have been or will be forced to become internally displaced persons, as well as investigate and punish acts of violence that lead to internal displacement.
34. Guarantee that everyone can freely leave Nicaraguan territory and that their right to seek and receive asylum in foreign territory is respected, in accordance with the provisions set forth in Article 22(2) and 22(7) of the American Convention on Human Rights.
35. Guarantee the right to voluntary and safe return of its nationals, which entails providing real guarantees that they will not be targeted for persecution once they have returned to Nicaraguan territory.
36. Guarantee the life and integrity of its nationals who return in the context of the COVID-19 pandemic, in particular through medical and health protocols for that purpose, which must be objective, transparent, and accessible to the public, mainstreaming an intercultural perspective, and preventing returnees from remaining on hold and at the discretionary decision of the authorities in each case.

## Smuggling Migrants at the Border Now a Billion-Dollar Business

With demand for smugglers on the rise, organized crime has moved in, with cruel and violent results.



By Miriam Jordan

July 25, 2022

CARRIZO SPRINGS, Texas — From the street, the little brown house was unremarkable yet pleasant. A bright yellow toy school bus and red truck hung on the hog-wire fence, and the home's facade featured a large Texas lone star. But in the backyard was a gutted mobile home that a prosecutor later described as a “house of horrors.”

It was discovered one day in 2014, when a man called from Maryland to report that his stepfather, Moises Ferrera, a migrant from Honduras, was being held there and tortured by the smugglers who had brought him into the United States. His captors wanted more money, the stepson said, and were pounding Mr. Ferrera's hands repeatedly with a hammer, vowing to continue until his family sent it.

When federal agents and sheriff's deputies descended on the house, they discovered that Mr. Ferrera was not the sole victim. Smugglers had held hundreds of migrants for ransom there, their investigation found. They had mutilated limbs and raped women.

“What transpired there is the subject of science fiction, of a horror movie — and something we simply don't see in the United States,” the prosecutor, Matthew Watters, told a jury when the accused smugglers went on trial. Organized crime cartels, he said, had “brought this terror across the border.”

But if it was one of the first such cases, it was not the last. Migrant smuggling on the U.S. southern border has evolved over the past 10 years from a scattered network of freelance “coyotes” into a multi-billion-dollar international business controlled by organized crime, including some of Mexico's most violent drug cartels.



Nicaragua.AR\_001504



The American leader of a smuggling ring with ties to a Mexican cartel owned the little brown house. Prosecutors said he ordered the torture of migrants in a trailer behind the house. Christopher Lee for The New York Times

The deaths of 53 migrants in San Antonio last month who were packed in the back of a suffocating tractor-trailer without air conditioning — the deadliest smuggling incident in the country to date — came as tightened U.S. border restrictions, exacerbated by a pandemic-related public health rule, have encouraged more migrants to turn to smugglers.

While migrants have long faced kidnappings and extortion in Mexican border cities, such incidents have been on the rise on the U.S. side, according to federal authorities.

More than 5,046 people were arrested and charged with human smuggling last year, up from 2,762 in 2014.

Over the past year, federal agents have raided stash houses holding dozens of migrants on nearly a daily basis.

Title 42, the public health order introduced by the Trump administration at the beginning of the coronavirus pandemic, has authorized the immediate expulsion of those caught crossing the border illegally, allowing migrants to cross repeatedly in the hope of eventually succeeding. This has led to a substantial escalation in the number of migrant encounters on the border — 1.7 million in fiscal 2021 — and brisk business for smugglers.

In March, agents near El Paso rescued 34 migrants from two cargo containers without ventilation on a single day. The following month, 24 people being held against their will were found in a stash house.



The dense brush in South Texas conceals migrants and smugglers trying to evade detection by U.S. authorities. “You could hide a million elephants here,” said Jerry Martinez, a captain in the Dimmit County Sheriff’s Office. Christopher Lee for The New York Times

Law enforcement agents have engaged in so many high-speed chases of smugglers lately in Uvalde, Texas — there were nearly 50 such “bailouts” in the town between February and May — that some school employees said they failed to take a lockdown order seriously during a mass shooting in May because so many previous lockdowns had been ordered when smugglers raced through the streets.



Teófilo Valencia, whose 17- and 19-year-old sons perished in the San Antonio tragedy, said he had taken out a loan against the family home to pay the smugglers \$10,000 for each son's transport.

Fees typically range from \$4,000, for migrants coming from Latin America, to \$20,000, if they must be moved from Africa, Eastern Europe or Asia, according to Guadalupe Correa-Cabrera, an expert on smuggling at George Mason University.

For years, independent coyotes paid cartels a tax to move migrants through territory they controlled along the border, and the criminal syndicates stuck to their traditional line of business, drug smuggling, which was far more profitable.

That began to change around 2019, Patrick Lechleitner, the acting deputy director at U.S. Immigration and Customs Enforcement, told Congress last year. The sheer number of people seeking to cross made migrant smuggling an irresistible moneymaker for some cartels, he said.

The enterprises have teams specializing in logistics, transportation, surveillance, stash houses and accounting — all supporting an industry whose revenues have soared to an estimated \$13 billion today from \$500 million in 2018, according to Homeland Security Investigations, the federal agency that investigates such cases.



Rigs hauling migrants blend with the 20,000 trucks that travel daily on the I-35 freeway to and from Laredo, the country's busiest land port. Christopher Lee for The New York Times

Migrants are moved by plane, bus and private vehicles. In some border regions, such as the Mexican state of Tamaulipas, smugglers affix color-coded bands to the wrists of migrants to designate that they belong to them and what services they are receiving.

"They are organizing the merchandise in ways you could never imagine five or 10 years ago," said Ms. Correa-Cabrera.

Groups of Central American families who crossed the Rio Grande recently into La Joya, Texas, wore blue bracelets with the logo of the Gulf Cartel, a dolphin, and the word "entregas," or "deliveries" — meaning they intended to surrender to U.S. authorities and seek asylum. Once they had crossed the river, they were no longer the cartel's business.

Previously, migrants entering Laredo, Texas, waded across the river on their own and faded into the dense, urban landscape. Now, according to interviews with migrants and law enforcement officials, it is impossible to cross without paying a coyote connected to the Cartel del Noreste, a splinter of the Los Zetas syndicate.

Smugglers often enlist teenagers to transport arrivals to stash houses in working-class neighborhoods. After they gather several dozen people, they load the migrants onto trucks parked in Laredo's vast warehouse district around Killam Industrial Boulevard.

"Drivers are recruited at bars, strip joints, truck stops," said Timothy Tubbs, who was deputy special agent in charge of Homeland Security Investigations for Laredo until he retired in January.





Nicaragua AR\_001508



“Before smugglers controlled the Rio Grande, some migrants crossed back and forth daily,” said Timothy Tubbs, a retired agent with Homeland Security Investigations in Laredo, Texas, a busy smuggling corridor. Christopher Lee for The New York Times

Rigs hauling migrants blend with the 20,000 trucks that travel daily on the I-35 freeway to and from Laredo, the country’s busiest land port. Border Patrol agents posted at checkpoints inspect only a fraction of all the vehicles to ensure traffic keeps flowing.

The tractor-trailer discovered on June 27 with its tragic cargo had passed through a checkpoint about 30 miles north of Laredo without arousing suspicions. By the time it stopped three hours later on a remote road in San Antonio, most of the 64 people inside had already died.

The driver, Homero Zamorano Jr., one of two men indicted on Thursday in connection with the tragedy, said that he was unaware that the air-conditioning system had failed.

The 2014 incident at the stash house in Texas resulted in the arrest of the perpetrators and a subsequent trial, providing an unusually vivid look at the brutal tactics of smuggling operations. Though kidnapping and extortion happen with some frequency, such trials with cooperating witnesses are relatively rare, federal law enforcement officials say. Fearing deportation, undocumented relatives of kidnapped migrants seldom call the authorities.

That case began in the thick brush country eight miles from the Rio Grande, in Carrizo Springs, a popular transit point for people trying to elude detection. “You could hide a million elephants here, this brush is so thick,” said Jerry Martinez, a captain in the Dimmit County Sheriff’s Office.

Mr. Ferrera, 54, the torture victim, first migrated to the United States in 1993, heading to construction sites in Los Angeles and San Francisco, where he made more than 10 times what he earned back in Honduras. He returned home a few years later.



Moises Ferrera lost mobility in his right hand after smugglers struck it repeatedly with a hammer. “I came here for a better life, to help my family,” he said in court testimony. “This is how my hand ended up. This hand’s not any good now to work with.” Amanda Andrade-Rhoades for The New York Times

“In those days, you didn’t need a coyote,” he said in an interview from his home in Maryland. “I came and went a couple times.”  
Nicaragua AR\_001509

When he set out in early 2014, Mr. Ferrera knew that he would have to hire a smuggler to breach the border. In Piedras Negras, Mexico, a man promised to guide him all the way to Houston. Mr. Ferrera's stepson, Mario Pena, said he wired \$1,500 as payment.

After reaching Texas, Mr. Ferrera and several other migrants were delivered to the trailer in Carrizo Springs.

Before long, Mr. Ferrera's stepson received a call demanding an additional \$3,500. He said he did not have any more money.

The calls became frequent and menacing, Mr. Pena recalled in an interview; the smugglers let him hear the sound of his stepfather's shrieks and groans as a hammer came down on his fingers.

Mr. Pena managed to wire \$2,000 via Western Union, he said, but when the captors realized they could not collect the cash because it was a Sunday, they intensified their assaults.

Mr. Pena called 911.

Law enforcement agents found Mr. Ferrera in the trailer "severely, severely physically harmed, with lots of blood all over him, laying on a sofa" in the living room, according to testimony by one of the agents, Jonathan Bonds.

Another migrant, stripped down to his underwear, was squirming in pain, his bludgeoned hand held aloft, in the front bedroom. In the rear bedroom, agents encountered a nude woman, another migrant, who had just been raped by a smuggler who emerged naked from the bathroom.

The house's owner, Eduardo Rocha Sr., who went by Lalo and was identified as the leader of the smuggling ring, was arrested along with several others, including his son, Eduardo Rocha Jr. The younger Mr. Rocha testified that their cell was affiliated with the Los Zetas cartel and that over two years it had funneled hundreds of migrants into the United States and collected hundreds of thousands of dollars.

The elder Mr. Rocha was sentenced to life in prison. His son and the man who had carried out most of the physical abuse received 15- and 20-year sentences.

Mr. Ferrera testified at their trial. As a victim of a crime who had assisted law enforcement, he was allowed to remain in the United States. But his new life had come with a cost, which he displayed when he held up his right arm for the jury, the fingers now lifeless. "This is how my hand ended up," he said.

Susan C. Beachy contributed research.



## Immigration

# As United States' 'Remain in Mexico' plan begins, Mexico plans to shut its 'too successful' humanitarian visa program

GlobalPost

January 24, 2019 • 9:45 PM EST

By **Sarah Kinosian**



Migrants, part of a caravan travelling to the US, make a human chain to pull people from the river between Guatemala to Mexico in Ciudad Hidalgo and continuing to walk in Mexico, in October 2018. Many migrants headed for the border will likely find themselves waiting in Mexico as part of the US's new "remain in Mexico" policy.

Credit: Leah Millis/Reuters







said. “But it depends on the amount of people we are really talking about. ... This is a US



“The irony of this measure is that it is going to drive people who are trying to apply for asylum at ports of entry and do things the right



could create total disorder,” said Cesar Palencia, head of migrant services in Tijuana. “What are we going to do with all the people they just let in?”







asylum. Urbina said he was facing threats after gang members killed his 16-year-old brother.





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Politics

# More than 4,000 migrants voluntarily returned to Venezuela from Panama

Online News Editor • November 9, 2022 2 minutes read



Panama City, Nov 9 (EFE).- More than 4,000 irregular Venezuelan migrants have voluntarily returned to their country from Panama in recent weeks, authorities said on Wednesday.

"Through 24 'humanitarian flights,' more than 4,000 (Venezuelan migrants) who have voluntarily returned home have left Panama, (but) even so we had almost 1,000 people in the Veranillo shelter (in the capital) yesterday," said National Migration Service Director Samira Gozaine.

This refuge, a shed without facilities, was set up by the Venezuelan embassy to receive the nationals, many of whom gave up their goal of entering the United States after Washington announced a new immigration policy for Venezuelans on Oct. 12 that left the tens of thousands of them with little hope of entering.

Now, Venezuelans who had already arrived in Mexico or who were in transit through Central America, are now returning to Panama, with many thinking

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that from this country they can travel to Venezuela for free, which is "false," the Panamanian authorities have insisted.

"On the flights, I think more than one million dollars has been spent among people who pay for their own flights. I think it should be noted that there have been many donors (...) Venezuelans and many Panamanians. The Adventist Church has been helping, the Catholic too," Gozaine told local network TVN.

In that sense, the director of migration revealed that Panama's foreign ministry "has been intervening so that Venezuela returns its citizens at no cost on state airlines."

More than 210,000 irregular migrants have passed through Panama this year on their way to the US. They arrived in the country after crossing the dangerous Darien Gap on the border with Colombia. More than 70 percent of them are Venezuelan, according to official data.

In a humble barbershop a few meters from the capital's shelter, 21-year-old Venezuelan Rafael Arocha cut a man's hair on Wednesday in exchange for \$3-4. He wants to collect around \$260 for a flight home.

In Venezuela, Arocha was a motorcycle taxi driver. He says he left his country on Sep. 30, crossed the Darien Gap, something he "never" will do again, and managed to reach Mexico, but returned "without money or anything" after the US change of policy.

"Unfortunately the doors were closed to us. There is nothing to do (...) I really need to go" home, he said.

Orlando Saavedra, 31, asked Wednesday at a traffic light for a "collaboration" to collect the cost of a ticket back to Venezuela.

He arrived at the shelter on Nov. 4, but says he knows of people who have been there for more than two weeks.

"They are taking out (on voluntary repatriation flights) women with children, but they leave men," he said. EFE



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#MIGRATION CRISIS



WORLD & NATION

# Asylum seekers are gathering at the U.S.-Mexico border. This is why



Migrants this week in El Paso warm themselves by a fire at dawn after spending the night outside the U.S.-Mexico border fence. (John Moore / Getty Images)

BY LEILA MILLER | STAFF WRITER

DEC. 23, 2022 12:22 PM PT



CIUDAD JUAREZ, Mexico — The first time Mari Marin Bastidas tried to claim asylum at the U.S. border, she was turned away by authorities who said a policy instituted to

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slow the spread of COVID-19 meant her case would not even get a hearing.

Dejected, she returned to her home in the state of Michoacan in western Mexico.

Two years later, she is back at the border to try again. Word has been spreading that the policy, known as Title 42, is about to be lifted.



A smuggler carries a migrant across the Rio Grande near a high-traffic border crossing area in El Paso. (John Moore / Getty Images)

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“I decided to come because of the opportunity that is opening up,” said Bastidas, 29. “I’m not going back anymore.”

The fate of the policy now [rests with the U.S. Supreme Court](#) as anxiety and confusion build on both sides of the border. In Ciudad Juarez, untold numbers of asylum seekers have been gathering in recent weeks. Across the Rio Grande in El Paso, the mayor has declared a state of emergency in anticipation of a massive influx.

Bastidas, along with her 8-year-old daughter and two brothers, was among scores of migrants waiting along a narrow section of the river.

Some waded across to present themselves to border agents, either not realizing that Title 42 was still in effect or willing to take their chances anyway.

Bastidas and her family decided to wait and made their way to a migrant shelter nearby. They had \$500 to carry them over for now.

They plan to claim asylum based on a fear of a local gang that she said had threatened her family for failing to pay a monthly extortion fee of roughly \$400. Another brother had been killed several years ago by gang members running a similar scheme.

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Colombian migrant Jaider, 18, holds his puppy, Trucha, while looking over the Rio Grande into El Paso. He said he had carried the dog for his entire overland journey from Colombia. (John Moore / Getty Images)

Before Title 42, the United States considered all asylum claims, which often meant releasing migrants into the U.S. until a court rules on their cases — a process that can take years because of a large backlog. A small minority of asylum claims are ultimately accepted. Fleeing poverty is not a valid basis for a claim.

Under Title 42, [a decades-old public health measure](#) that the Trump administration resurrected in the early days of the pandemic, asylum seekers can be quickly expelled.

The Biden administration has opposed the policy in court while continuing to use it with help from Mexico, which agreed to accept Central Americans, and later Venezuelans, who the United States turned away.

But last month, a federal judge ruled that Title 42 was being used arbitrarily and was no longer justified as a pandemic health measure. He ordered it be lifted by Dec. 21.

Some 19 Republican-led states appealed to the Supreme Court, arguing that ending the policy would result in a surge of new migrants, and on Monday — two days before the deadline — Chief Justice John G. Roberts Jr. ruled that it would remain in place until the high court decided the case. If the policy falls, it is possible that the Biden administration could find new ways to limit asylum seekers.

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Still, El Paso has been bracing for the day when asylum seekers can no longer be summarily turned away.



Migrants turning themselves in to U.S. officials stand behind a razor wire barrier by Mexico's border with El Paso. (Christian Chavez / Associated Press)

At one popular crossing spot along the Rio Grande, members of the Texas Army National Guard lined the riverbank with razor wire this week as a deterrent, and were standing watch next to their Humvees.

But already, 1,500 migrants a day on average are being taken into Border Patrol custody in the El Paso region, according to the Department of Homeland Security. After their fingerprints and basic information are recorded, many are expelled under Title 42. Some may be transferred to an immigration detention facility.

Others who might qualify for a Title 42 exemption — usually on humanitarian grounds or because Mexico limits how many migrants it accepts from various countries — may be released and allowed to remain in the United States, often with a court date.



This week, more than 50 migrants were staying at the Annunciation House shelter just north of the border. With cots in the chapel and playroom, the shelter has room for 60.

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Migrants eat and wait for help while camping on a street in downtown El Paso. (Andres Leighton / Associated Press)



Most move out within 48 hours to live with relatives or friends. Others have been bused to religious communities across the country that have offered to take them in.

The quick turnaround is important to make room for new migrants, said Ruben Garcia, who founded and runs the shelter.

“If we’re having a difficult time dealing with the number of people who are arriving and we haven’t even lifted Title 42, can you imagine what’s going to happen when Title 42 gets lifted?” he said.

In anticipation, the city has opened up its convention center for temporary housing. About 200 of the 1,000 beds there were filled on Thursday night.

Still, some migrants are already living on the streets.

Not far from the convention center — where ice skaters glided around a large rink beside a lit-up Christmas tree — dozens of Venezuelan migrants had set up camp along two blocks of sidewalk. Sheets of cardboard served as mattresses. Locals dropped off donations of clothes.

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A 26-year-old named Yesimar — she spoke on condition that her last name not be used, because she had just crossed the border illegally — wrapped herself in a

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blanket. It was 7 p.m. and the temperature had dropped to 40 degrees.

She and her husband fled Venezuela five years ago and had been living in Peru. It took them three months to reach the U.S. border. With Title 42 still in place, they felt they had no choice but to sneak across.

They came through a space in the border fence and ducked into a McDonald's to change clothes and take a breath after eluding authorities.



A migrant crosses over a border fence after evading law enforcement in El Paso. (Eric Thayer/ Bloomberg via Getty Images)

“The truth is that they don’t give us the opportunity to come into this country,” Yesimar said. “We never came with the idea of coming in illegally.”

Back in Ciudad Juarez, many more migrants are waiting it out.

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Alexander Diaz, his wife and their 3-year-old son were down to about \$100. The 24-year-old Venezuelan has been giving \$2 haircuts to fellow migrants in an alley close to the Rio Grande.

The family found a spot at a shelter, but the bathroom doesn't work. "Imagine, putting up with the cold, without a shower," Diaz said.



Migrants spend the night outside the border fence while waiting to make asylum claims in El Paso. (John Moore / Getty Images)

Jesús Carrera, 22, said he makes \$15 a day washing car windows at a stoplight. A generous local gave him and other migrants a place to sleep, and he speaks daily to his mother in Venezuela, who urges him to come home. He hasn't seen her since leaving the country six years ago in hopes of escaping poverty.

He tried to claim asylum at the U.S. border in October but was expelled under Title 42 and moved to the Mexican state of Chiapas. He arrived at the border again last weekend because he thought the policy was ending.

"I'm asking God to change my luck," he said. "It's time."

Rosalia Castro Sosa, a Sears saleswoman from southern Mexico, arrived in Ciudad Juarez on Wednesday, thinking that Title 42 had been lifted as scheduled.



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She immediately crossed the river and turned herself in, waiting for hours in the cold in a long line for officials to take down her information. Then they dropped her off at the Mexican side of a border bridge.



Migrants step into the Rio Grande in Ciudad Juarez, Mexico. (Christian Chavez / Associated Press)

Waiting for the policy to be lifted, Sosa moved into a church shelter. She has made some cash by opening the door for customers entering convenience stores. A local restaurant fed her in exchange for waiting tables. She hopes to work in the U.S. to finance an ear operation for her 9-year-old son.

“In the name of God, I’m going to get there,” she said. “I don’t know how, but I will.”

At the Good Samaritan shelter, many of the 73 migrants there were waiting to see a doctor. Migrants can stay for months as they wait for appointments with immigration officials, and in that time children attend school — where they take English classes. Migrants can also receive therapy.

Pastor Juan Fierro, who runs the shelter, said he viewed the end of Title 42 with skepticism.

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“How many times have they said it’d be over?” he said.

*Miller reported from Ciudad Juarez and El Paso. Special correspondent Gabriela Minjares in Ciudad Juarez and Times staff writer Hamed Aleaziz in Healdsburg, Calif., contributed to this report.*

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Leila Miller is a foreign correspondent for the Los Angeles Times based in Mexico City. She joined the newsroom in 2018 and spent several years working on the criminal justice team. She was also part of the team that was a 2020 Pulitzer finalist for its coverage of the Conception boat fire off the Channel Islands. Born in Argentina but raised in Los Angeles, Miller is a graduate of Oberlin College and Columbia University's School of Journalism.

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ENTERPRISE

# The border is tougher to cross than ever. But there's still one way into America.

By [Nick Miroff](#) and [Carolyn Van Houten](#)

October 24, 2018 at 10:43 a.m. EDT

*[This story has been optimized for offline reading on our apps. For a richer experience, you can find [the full version of this story here](#). An Internet connection is required.]*

HIDALGO COUNTY, Tex. — Crouched low in the brush along the riverbank, Border Patrol agent Robert Rodriguez watched the Mexican side of the Rio Grande, waiting. A norteño ballad drifted from a radio somewhere on a nearby farm, and two pigs cooled themselves at the water's edge, wading to their bellies. For a moment, one of the border's busiest places for illegal crossings looked placid.

Then a raft appeared.

Within seconds it was in the water, a teenage guide steering the current while his boss, an older man, stood watch on the bank. In less than a minute, the teenager delivered a woman and a boy to the U.S. side and they climbed out, shoes sinking in the wet silt.

Rodriguez stepped onto the path to stop them, but the woman and the boy did not run. They wanted to be captured. This is how it works now.

The era of mass migration by Mexican laborers streaming into California and the deserts of Arizona is over. Billions spent on fencing, sensors, agents and drones have hardened the border and made it tougher than ever to sneak into the United States. The migrants coming today are increasingly Central Americans seeking asylum or some form of humanitarian protection, bearing stories of torture, gang recruitment, abusive spouses, extortionists and crooked police.

They know the quickest path to a better life in the United States is now an administrative one — not through mountains or canyons but through the front gates of the country's immigration bureaucracy.

Last year, U.S. immigration courts received nearly 120,000 asylum claims from migrants facing deportation, a fourfold increase from 2014. Those filings have pushed the number of pending cases before U.S. immigration courts to more than 750,000, collapsing the system and upending President Trump's sweeping promises to lock down the border.

The extraordinary surge of asylum seekers is testing the limits of whom, exactly, the United States is willing to protect, challenging the stone-carved ideal of America as the place that welcomes the tired and poor, "yearning to breathe free."

It has also presented Trump with one of the most vexing policy challenges of his presidency, and virtually every measure taken so far has made the problem worse.

Trump this spring deployed a nuclear option — separating parents from their children — in an attempt to stop families from coming. It backfired. The controversy generated by the policy and its abrupt rollback six weeks later handed smuggling guides across Central America a potent sales pitch. They now tell potential customers the Americans do not jail parents who bring children — and to hurry up before they might start doing so again.

Families asking for mercy constitute a greater-than-ever portion of those taken into custody. More than half of all arrests along the Mexican border last month were migrant family members or unaccompanied minors, up from 13 percent in 2013.

This spring, Trump fixated on a caravan of asylum seekers traveling through Mexico, about 300 of whom eventually crossed into the United States. Now, a much larger procession of as many as 7,000 Central Americans is trekking north toward the border, despite threats from the president to stop them with U.S. troops and sever aid to their countries.

There is a sinking feeling, among Department of Homeland Security officials, that more caravans are yet to come and that they will only get larger.

Families are coming in caravans and on their own because it works. Only 1.4 percent of migrant family members from Guatemala, Honduras and El Salvador who crossed the border illegally in 2017 have been deported to their home countries, according to DHS officials.

The United States has neither the detention space nor the legal authority to hold children long enough to process their parents' claims, so families are typically released from custody to await court hearings that could be months, even years, into the future.

Trump has long derisively referred to this as "catch and release" and used it as an attack line against Democrats. But in the months since ending family separation, Trump has now made it his de facto policy.

The administration has drafted plans to add thousands of detention beds in an attempt to hold parents with children longer. DHS officials have also proposed new rules that would allow the government to withdraw from a 1997 federal court agreement limiting the amount of time children can be held in immigration jails to 20 days.

But in the meantime, so many families are coming through high-volume corridors such as the Rio Grande Valley that Rodriguez and other agents have come to describe them as “non-impactables,” because they say there is nothing they can do to stop them.

As Rodriguez radioed another agent to pick up the woman and the boy, she handed him her Honduran identification card. Cecilia Ulloa was 25. Darwin, her son, was 13. The math took a moment to sink in, and Ulloa appeared to recognize a familiar look of confusion.

“My stepfather,” she said. “It started when I was 10.”

After a decade in prison for rape, her stepfather was free now, stalking them, blaming her for ruining his life, Ulloa said. “He’s going to kill us.”

Police in Honduras had told her there was nothing they could do, she said, so she and her son left for the United States. They wanted asylum.

Chances were they would be denied. But it could take months, or longer, for the U.S. immigration system to determine whether Ulloa and her son deserve protection. They would probably not be sent back to Honduras anytime soon.

## Credible fear

Some migrants’ stories of gang threats and police indifference have a rehearsed quality, suggesting they are concocted. The smuggling guides who charge \$10,000 or more for the trip provide transportation and meals, but also coaching, including the key words migrants should say to convince U.S. asylum officers that their fears meet credibility standards.

But there are many with no need to make things up. The countries they are running from have some of the highest murder rates in the world. Their criminal justice systems barely function. Some have been victimized already.

Lisa Brodyaga, an immigration lawyer in South Texas who has worked with Central American migrants since the late 1970s, said adult asylum seekers who appear before immigration judges “are almost all being deported.”

“I think judges felt freer to follow their gut under Obama than they do now,” she said.



Migrants have adapted just as quickly. As asylum officers and immigration judges reject more claims, the number of single adults who arrive claiming fear of persecution is dropping. The fastest-growing portion comprises parents coming with children, preventing their long-term detention and significantly reducing the likelihood they will be deported.

Last month, border agents arrested 16,658 individuals who arrived as members of “family units,” an all-time high, up from 9,247 in July.

Migrant advocates have documented cases of rejected asylum applicants being killed after they were sent back. But a full picture is difficult to obtain because U.S. government statistics do not track what happens to deportees once they leave the United States.

DHS officials point to improving public-safety statistics from Central America as evidence that the asylum trend is not driven by worsening violence.

Those fleeing lawlessness and crime are also lured north by job opportunities and the desire to reunite with parents, siblings and other relatives already living here. The United States offers not only safety but also a chance at a dramatically better life.

And with the U.S. unemployment rate at a 50-year low and employers across the Midwest desperate for labor, the Trump-era economy is undermining the Trump-era immigration agenda.

“Migrants from Central America seek asylum in the U.S. to escape gangs, violence and lack of opportunity,” said Doris Meissner, who is policy director at the Migration Policy Institute and ran the U.S. immigration system under President Bill Clinton. “This mixture of humanitarian and economic migration is happening in other parts of the world, too.”

“However, only some of those in peril are actually eligible for asylum,” said Meissner, co-author of the new report “The U.S. Asylum System in Crisis.” “Granting them protection but keeping asylum systems from being overwhelmed or misused requires broad solutions, including attacking the reasons people flee.”

For people like Ulloa and her son, here’s how it works.

Those who cross the border and turn themselves in are interviewed by a U.S. asylum officer to determine whether they have a “credible fear” of facing persecution back home. The Supreme Court has ruled that an asylum-seeker’s fear is considered “well-founded” if there is a 10 percent chance they will face persecution, and those who potentially qualify are referred to an immigration judge.

Between Oct. 1, 2017 — the start of the 2018 fiscal year — and June 30, the period for which the most recent statistics are available, the government received more than 73,000 credible-fear claims, up from 5,000 during all of 2009. Of those 73,000 who were interviewed, 76 percent were found to have a credible fear of return.

The finding does not mean that a judge will eventually grant asylum. Justice Department statistics show that fewer than 10 percent of Central American applicants are awarded asylum, but the process of applying offers a shield from deportation and a toehold, however tenuous, in the United States.

Trump officials view this as a too-permissive approach to asylum claims that amounts to a mile-wide loophole in the American immigration system. U.S. generosity is being exploited by smugglers and cheats, they say, and the dysfunction encourages more to make a dangerous journey.

Under Trump, asylum denial rates have reached their highest levels in more than a decade. But nearly half of those rulings are issued in absentia, because the applicant does not appear in court.

That is the breach Trump officials see: If asylum seekers think their case is likely to be denied, they can drop out of the court system and disappear, remaining in the United States illegally. The latest Justice Department figures show U.S. courts issued more than 40,000 removal orders in absentia during the government's 2017 fiscal year, nearly twice as many as in 2014.

“Saying a few simple words — claiming a fear of return — has transformed a straightforward arrest for illegal entry and immediate return too often into a prolonged legal process, where an alien may be released from custody into the United States and possibly never show up for an immigration hearing,” Attorney General Jeff Sessions said in a September speech to a group of 44 newly hired immigration judges that he said was the largest class in history.

“Our system was not designed to handle thousands of new asylum claims every month from individuals who illegally flood across the border,” he said. “But that is what has been happening, and it has overwhelmed the system.”

## 'Private' violence

In the absence of a physical wall, the Trump administration is laying down new legal barriers to the asylum process. The U.S. immigration court system is a branch of the Justice Department, not the judiciary, and the attorney general effectively functions as a one-man Supreme Court. In June, Sessions issued a sweeping ruling that overturned the case of a Guatemalan domestic-violence victim who had demonstrated that police failed to protect her from spousal abuse and rape.

Sessions's ruling said asylum laws are meant to shelter those facing persecution for political or religious beliefs, or their membership in a well-defined social group, not those fleeing what he called “private” forms of violence.

“The mere fact that a country may have problems effectively policing certain crimes — such as domestic violence or gang violence — or that certain populations are more likely to be victims of crime, cannot itself establish an asylum claim,” Sessions wrote.

Under Sessions, the Justice Department has attempted to reduce the court backlog by adding dozens of immigration judges and imposing quotas that compel them to process more cases. It has taken steps to prioritize the claims of the most recent arrivals, as a way to discourage asylum seekers from taking advantage of the court backlog. And it has instructed judges and asylum officers to take a more adversarial approach to migrants' claims.

U.S. asylum laws were shaped in the aftermath of World War II, when the United States and other Western nations developed international treaties based on the principle of “non-refoulement” — that those fleeing persecution should not be sent back to places where they are likely to be killed or persecuted.

Applicants who reached U.S. soil could prove eligibility for asylum on the basis of past persecution or a fear of future abuse on the basis of their “race, religion, nationality, membership in a particular social group or political opinion.”

In practice, historians and immigration scholars say, political considerations have often superseded humanitarian ones. During the Cold War, refugees fleeing communist and left-wing governments in Vietnam, Cuba and Nicaragua were welcomed in large numbers, while those escaping U.S.-friendly military dictatorships in El Salvador and Guatemala were denied.

"The United States has never solely pursued asylum on the basis of humanitarian principles," said Roberto Suro, a migration expert at the University of Southern California and former director of the Pew Hispanic Center. "American approaches have always been ad hoc and driven largely by foreign policy concerns and domestic policy concerns."

Sessions has directed judges and asylum officers to adhere to a narrower definition of “membership in a social group” — the category had been used in recent years to grant protection to victims of domestic violence.

“An alien may suffer threats and violence in a foreign country for any number of reasons relating to her social, economic, family or other personal circumstances,” Sessions wrote. “Yet the asylum statute does not provide redress for all misfortune.”

The president demonstrated even less patience this spring, when a large group of asylum-seeking Central American families formed a caravan to travel northward. Trump took their journey as a personal affront.

“We cannot allow all of these people to invade our Country,” he wrote on Twitter. “When somebody comes in, we must immediately, with no Judges or Court Cases, bring them back from where they came.”

More than 400 caravan members eventually crossed, according to DHS statistics. Among them was Carlos Aldana, who now lives with his partner and young daughters outside Seattle, waiting to see a judge. The monitoring device strapped to his leg has been on so long he barely notices it anymore.

“We go to the park. We go to church and the grocery store,” Aldana said. “It’s beautiful here.”

His family’s asylum claim epitomizes the intertwined push-and-pull factors that bring Central Americans to the United States — and that make it unlikely he, his partner and their two daughters will be allowed to stay.

The family had a small farm near the Caribbean coast, on land purchased with money sent home by a brother working in the United States. When traces of gold were found on the property, Aldana said, he and his siblings invested in mining equipment and began digging.

Then a local crime boss found out about their discovery. He showed up at the property with a carload of men, offering to “go into business together,” Aldana said. Aldana’s family declined, and the man returned and said he had heard others were planning to kill them. He offered protection. Again, Aldana and his siblings refused.

The threats worsened. Then one of Aldana’s brothers was killed. Aldana said his family was too scared to go to the police. “They work for him,” he said of the gangster.

The family fled to another part of Honduras and attempted to start over, but a year later the man found them and the threats resumed, Aldana said.

This time Aldana and his family fled to southern Mexico. They were arrested by Mexican authorities and sent back to Honduras. They tried to start over again.

Worried that he was putting the whole family in danger, another of Aldana’s brothers bid farewell and left. His body was found a few months later, tortured and mutilated. Aldana reported the crime to police, but they made no arrests, he said.

Aldana fled with his family to Mexico a second time, then found out about the caravan. Like others who joined, they saw it as a safe, affordable way to reach the border.

Along the journey, the caravan’s legal advisers warned Aldana he would probably not qualify for asylum because he had been deported from the United States once before, in 2008, when he attempted to come illegally at age 19.

But he crossed anyway, and like so many Central Americans, his urge to flee is hard to separate from the desire for a better life in the United States.

“I feel safe here. I just want to be able to stay, so my girls don’t have to grow up in a place like that,” he said of Honduras. “I don’t ever want to go back.”

## 'The most horrifying stories'

Asylum seekers who make their claims at official border crossings — not on the banks of the Rio Grande — are not breaking the law. But U.S. agents have to let them cross the bridge first.

On a recent morning in South Texas, immigration lawyer Jennifer Harbury walked across the river into Mexico under a blazing sun, waiting for a nun to pick her up. They drove to a Reynosa migrant shelter in a bullet-scarred neighborhood full of cartel lookouts and stash houses used by smugglers to stage illegal crossings.



Harbury is an irritant to U.S. border officials as well as the cartels. She provides free legal advice and assistance to asylum seekers, so the nuns who run the shelter call her often to see whether she can help migrant families desperate for legal advice. Harbury's pro bono work takes profits away from traffickers, because they charge a "tax" of several hundred dollars to those who cross illegally along the river. They earn nothing from the migrants Harbury escorts to the official border crossing.

Harbury is one of the activists who also help asylum seekers stranded in the no man's land on the pedestrian bridge over the river. In recent months, U.S. officers have been turning migrants away, telling them to come back later. Harbury and others have criticized the practice as unlawful, but DHS officials say that port officers have multiple responsibilities and that busy border crossings have capacity limits.

It was Harbury who provided ProPublica with the surreptitious audio recording of a child screaming for her mother that dealt a severe blow to the family-separation policy. She has absorbed the stories of thousands of asylum seekers over the decades and increasingly views her job with the urgency of an emergency responder. She intends to help as many asylum seekers enter the United States as possible, because she believes she is saving their lives.

"These people have the most horrifying stories I have ever heard," she said. "I don't think people have better claims than those running from the cartels."

The shelter in Reynosa was crowded with newly deported Mexicans, many still carrying their belongings in plastic bags provided by the U.S. government. Immigration and Customs Enforcement had dropped off 85 deportees the previous night, and several complained harshly of bad food and abysmal conditions in U.S. detention.

The nuns had asked Harbury to help a young mother stranded for more than a week, Maria Magdalena Gonzalez, 21, and her son, Emiliano, 3. A gangster in Gonzalez's home state of Guerrero was threatening to kill her for rejecting his advances, she said. But when she and her son tried to approach the U.S. border crossing a few days earlier to seek asylum, they had been turned away.

With more and more Central Americans showing up at the port of entry, U.S. officers had set up an impromptu checkpoint over the middle of the Rio Grande, blocking them from setting foot on the U.S. side to start the asylum process.

Those who fail to cross are put at risk, because cartel lookouts ply the Mexican side of the bridge, watching for Central Americans who have been turned away. The migrants are prime targets for kidnapping because criminal groups assume they have relatives living in the United States with enough money to pay a ransom.

Harbury was there to make sure Gonzalez and her son weren't rejected again.

A nun drove them to the bridge over the river, and Harbury walked alongside them until a Mexican immigration official stood in the way. He had been looking for asylum seekers from Central America, but Gonzalez and her son were Mexican, so there was nothing he could do to detain them.

He told Harbury the U.S. agents had not been letting asylum seekers through, or were making others wait three or four days to be allowed to approach the American side.

Harbury, Gonzalez and the boy continued walking until three American officers blocked them halfway across the bridge. “We want asylum,” Gonzalez said softly, more a question than a demand. An agent told her to stand aside and wait.

Harbury asked how long, and the officers said it could be several hours, perhaps days. She sat down on the pavement with Gonzalez and the boy. “We’ll wait,” she said.

The officers appeared to notice a reporter taking notes and called a supervisor. He arrived and waved everyone through.

Gonzalez reached the inspection booth and pushed her paperwork forward. Harbury gave her a hug and an invitation to dinner. Then the officers directed Gonzalez and her son to an adjacent waiting room.

“They made it,” Harbury said.

She waved goodbye through the glass. The room wasn’t full, not even close. There were more than 60 chairs in the waiting area, and all but two were empty.



INTERNACIONAL

# “It would have been better to let me die”, on the other side of the Darien, hundreds survive the nightmare of death.



Rosmary Gonzalez, 45, lost her four-year-old son and her husband, 50, while the whole family was trying to cross the Darien Gap jungle.  
(Claudia Nunez/Los Angeles Times)

POR CLAUDIA NÚÑEZ | DEPUTY EDITOR

MAR. 4, 2022 8:33 AM PT



LAJAS BLANCAS, Panamá — I asked him to state his name and age, instead, he extended his hand, squeezed my arm tightly and responded with a question: “Can you

Nicaragua AR\_001550

help me recover my child's body? I've been waiting for two months, and nobody tells me anything, help me!"

Rosmary Gonzalez, 45, lost her four-year-old son and her husband, 50, while the whole family was trying to cross the Darien Gap jungle, one of the most dangerous migratory routes in the world and the only road connecting South and North America.

The Darien Gap region is so named because it is the only point where the Pan-American Highway, a network of highways linking 14 countries from Chile to the United States, cuts off.

In total, 130 kilometers of dense vegetation, suffocating heat, rivers and swamps are crossed daily by migrants from more than 50 countries coming from regions as far away as Africa and Asia, desperately seeking to reach the United States.

ANUNCIO

Rosmary left with her husband and three children at the end of July with the illusion of reaching the state of Florida in the United States, where the couple thought they would find work and relief from the poverty and hunger they were experiencing in their hometown Zulia, Venezuela; ironically one of the countries with one of the largest oil and gas reserves in the world.



The \$40 monthly budget the family was living on was already unbearable. They sold everything to cover the cost of more than \$30,000 to bring the family to the United States. Rosmary never imagined that she would lose half of her family along the way.

It is 10:00 in the morning and the heat and excessive humidity make the days in the Darien area almost unbearable. The mosquitoes relentlessly chase Rosmary and more than 200 other migrants stranded at the Migratory Reception Station in the community of Lajas Blancas, all survivors of the Darien Gap.

Rosmary’s slender arms gently move to caress Marino, her seven-year-old son who rests on her legs and who, like her, also managed to survive the crossing.



Marino rests on his mother’s legs. He has fever and diarrhea. The mother and child live in Lajas Blancas migrant camp where she has been waiting since mid-August for the remains of her son and husband.

(Claudia Nunez)

Both are almost thin to the bone. The weight loss has been brutal. The mother wears a purple blouse and plastic sandals, which were given away at the camp, because the so-called “death river” not only took her son and her husband, but also the few belongings they had with them.

#### ANUNCIO

“We walked for seven days with our feet knee-deep in mud. My son, the eldest, told me ‘Mom, look at that body over there, look at that body over there,’ and I said, no, no, I don’t want to see anything... When what happened to my husband and my baby happened, it hit me very hard. I never thought that someone in my family would also die,” she says.

She had heard the name “death river” countless times among the caravan of 26 migrants who, along with her, crossed the jungle. Many were afraid of it because they said it was the most complicated passage of the journey.

Rosmary knew firsthand that the nickname was not for nothing. The person who was guiding them, and to whom she had paid \$3,000 in advance, did not want to wait until the current went down. The river was raging, recalls the mother.

Several migrants refused to set out and clamored to wait for the river to calm down, but the guide refused to wait any longer; every moment was money lost because other groups were waiting for him.

The line moved deeper into the waters. Rosmary was carrying suitcases. Juan, her husband, carried Daniel, her youngest son, in his arms and Pablo, her oldest son, 16, held Marino. In a stretch of the river, a current caused her to lose her balance and she felt a rush of water completely submerge her. She managed to scream and see how her husband also struggled against the water while holding her son. That was the last image she had of them.

A young Haitian man in the caravan pulled her by the arm, saving her from drowning. When she came to full consciousness, she screamed out the names of her husband and son. Both had disappeared in the current. People from the caravan came to her aid and offered her comfort. In the same group, another man was also crying almost madly. He had let go of his child's hand who also disappeared under the water... Within minutes, three people lost their lives.

#### ANUNCIO

"I only have him and Pablo, my 16-year-old son... I only have them," she says as he touches Marino's hair.

Marino has a fever; in less than two hours and he has already defecated six times. Rosmary confesses that she prefers to take him to the bathroom among the dense jungle trees rather than enter the pestilential and flooded bathrooms of the Lajas Blancas migrant camp where she has been waiting since mid-August for the remains of her son and husband.





There are four migrant reception stations in Panama, three in the province of Darien, on the border with Colombia, and the fourth on the border with Costa Rica. The four stations house a total of 2,527 migrants.  
(Claudia Nunez)

Along this migratory route, fear is a constant companion. In addition to flash floods, snakes or poisonous insect bites, there are assaults and rapes at the hands of illegal armed groups that control these routes for drug and arms trafficking.

Once they have crossed the Darien, nightmares give way to worse images, the memories of those who were left abandoned in the jungle with broken bones or hallucinating in fever and pain after being bitten by an insect or snake.

“I saw about five corpses in the jungle,” says Jean, a 27-year-old Haitian man traveling with his pregnant wife who was injured on the way while trying to cross the Muerte River.



## ANUNCIO

“I carried my wife, and I could bring her here, but I think of those people who stayed in the jungle. People with broken bones, waiting days for help and no one stops. I saw dead people on the banks of the river, dead in their tents, the body of a girl who passed by me in the river and the screams of pain from the women, I can’t get it out of my head,” he said.

**Meat for the vultures**

There are four migrant reception stations in Panama, three in the province of Darien, on the border with Colombia, and the fourth on the border with Costa Rica. The four stations house a total of 2,527 migrants, including men, women, boys and girls of Caribbean, African and Asian origin, mostly of Haitian, Congolese, Bangladeshi or Yemeni nationality.

For those who have lost a loved one, these shelters become a bureaucratic limbo. Here, the American dream is transfigured and the desire for a better life becomes a single desire for a miracle, to see their relatives alive again or at least to recover their bodies and give them a dignified burial.



Migrants waiting to charge their cell phones. In Lajas Blancas everything has a price: sleeping, drinking water and even sending a WhatsApp is priced at two dollars or recharging a cell phone at three dollars.

(Claudia Nunez)

In Lajas Blancas everything has a price: sleeping, drinking water and even sending a WhatsApp is priced at two dollars or recharging a cell phone at three dollars.

ANUNCIO

The town has stopped subsisting on agriculture and fishing to fill itself with stalls selling food, water and clothing for migrants.

Lajas Blancas is named after some white river stones (lajas) and is territory that also belongs to the indigenous ethnic groups of the Emberá-Wounaan and the Guna Yala.

Some of the Wounaan are hired by the authorities to work in the migrant camps serving food to the almost 500 migrants a day who constantly arrive there.

On the roads of the village, everything smells of humidity, mud, dirt mixed with the smell of firewood and roasted chickens that the residents usually sell to the migrants.

There is no silence, even at night. The rumbling of storms and dogs mingle with the shouts, cries or conversations of migrants wandering through the night.





The journey through the mountainous jungle can take up to a week and is considered the most dangerous stretch for migrants traveling from South America to the U.S. During the trip, torrential rains cause flash floods in the rivers, often causing migrants to drown along the way.( John Moore/Getty Images) (Getty Images)

ANUNCIO

Everyone in this town knows that the death toll is much higher than the 50 migrant deaths reported this year in the Darien by Panamanian authorities.



It is enough to walk along the paths of the Turquesa River that crosses these lands. There are corpses along the river, it reeks of death, and it is impossible to even identify them after being devoured by the flocks of harpies that fly through these lands or by other animals.

“The harpy is the symbol bird of Panama,” says Neldo, a member of the Wounaan indigenous community with whom we take a boat tour.

The situation in the camps is almost unsustainable, according to international aid organizations. In 2021, 121,737 migrants entered Panama through the Darien jungle, and in just ten months the sum exceeded the amount of the last 11 years combined.



The town of Lajas Blancas has stopped subsisting on agriculture and fishing to fill itself with stalls selling food, water and clothing for migrants.  
(Claudia Nunez)

Jean Gough, UNICEF's regional director for Latin America and the Caribbean assigned to the Darien area, says her teams have never seen so many children crossing and often unaccompanied. "Such a rapid influx of children heading north from South America should be treated urgently as a serious humanitarian crisis."

#### ANUNCIO

Records from Panama's security minister indicate that 18,000 migrants crossed the jungle last August and one in five were children, most of them Haitian. The total death toll is a big unknown.

Those who survive the Darien are transported in buses by Panamanian authorities to the border with Costa Rica, where hundreds again set out on the road north.

Ahead of them will be more than 5,000 kilometers through Costa Rica, Nicaragua, Honduras, Guatemala and Mexico to reach the United States, the final destination for almost all of them.

### **From hope to an eternity in hell**

Geobaldo is a 42-year-old Venezuelan who lost his six-year-old son. He was traveling with his wife and three little ones. Ivan, six years old, Santiago, two, and Marci, 10 months old.

For two months now, Geobaldo's routine has been reduced to walking from the camp where he shares a mat with his family to the information station in the hope that there will be news about the body of his little Ivan.

ANUNCIO

Nightmares torture him, he says. And he can't get out of his head the terror he felt when the force of the river snatched his son from his hands.

"I carried the older boy and the baby, and my wife carried the girl, but it was too much weight with the baby and the suitcases, and I could not hold my child," said Geobaldo, who before migrating was an employee of an oil company in his native Venezuela.





Police officers guard the routes of the so-called "Tapon de Darien" where smuggling gangs operate.  
(Claudia Nunez)

Geobaldo dreamed of giving his children a better life in the United States. Of working and saving money to open a restaurant. The force of the river not only took away his son, but also all those dreams.

"In the jungle we lasted seven days with the children and it's the worst thing I've ever experienced. I don't have the energy to fight anymore," he says on the verge of tears.

"I would like to scream, to run, to hit. I am desperate... I would give anything to have my son's body," he says.



## ANUNCIO

According to UNICEF, since the beginning of this year, more than 150 children have arrived in Panama without their parents, some of them newborns, and at least five children were found dead in the jungle this year, but many bodies remain unrecovered.

Rosmary and Geobaldo have been in limbo for almost two months. The authorities have told them that they are looking for the bodies, but they believe this is a lie.

Rosmary goes out every day to meet new migrants arriving at the camp. She hopes that someone has seen her son. That October morning 580 migrants arrived, according to the authorities' count.

In the distance, the voices of a group of vendors can be heard talking as they watch a black man lying on the ground and crying loudly.

"His wife died," says one of the vendors.

Rosmary, seeing the scene in the distance, hears the cries, the comments of the vendors and pauses in conversation.

"That's how many of us arrived. A Haitian saved my life, but it would have been better to let me die... I feel dead in life," she says.

INTERNACIONAL MIGRACIÓN



Claudia Núñez

Twitter Email

Licenciada en periodismo y becaria de la Universidad de Stanford para el programa John S. Knight. Núñez ha sido reportera de investigaciones especiales para medios como La Opinión, National Geographic, El Siglo de Torreón y la Asociación de Editores de los Estados. Claudia es la fundadora del programa Migrahack, una organización para el desarrollo proyectos de periodismo de datos y plataformas interactivas sobre el tema de migración. En 2008 fue nombrada Periodista Latina del Año por la Asociación Nacional de Publicaciones Hispanas.

A journalism graduate and John S. Knight Fellow at Stanford University, Claudia Núñez has been a special investigations reporter for media outlets such as La Opinión, National Geographic, El Siglo de Torreón and the Assn. of State Editors. Nuñez is the founder of the Migrahack program, an organization for the development of data journalism projects and interactive platforms on the topic of migration. In 2008, she was named Latina Journalist of the Year by the National Assn. of Hispanic Publications.

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## Press Release

# IACHR Calls for International Solidarity, Urges States to Protect the People Who Have Been Forced to Flee from Nicaragua

December 20, 2021

Washington, D.C. – The Inter-American Commission on Human Rights (IACHR) is concerned about the increasing number of people who have been forced to flee Nicaragua and to request international protection in the context of the ongoing serious human rights crisis in the country. The IACHR calls on States in the Americas to ensure comprehensive protection for all individuals from Nicaragua who are in human mobility contexts and are fleeing from crisis and violence.

In 2021, the IACHR has heard reports of an increase in the number of Nicaraguans who have been forcibly displaced due to more intense repression and to the atmosphere of fear and persecution that persists in Nicaragua against all individuals who are considered government critics. According to publicly available reports, by October, the State of Costa Rica had received at least 39,000 new requests for refuge from Nicaraguans, with a significant increase since May. According to the US Customs and Border Protection (CBP), 50,722 Nicaraguans tried to enter the United States during 2021, amounting to a 1,500% rise compared to 2020 data. According to data issued by the United Nations High Commissioner for Refugees (UNHCR), more than 110,000 individuals have been forced to flee Nicaragua and request international protection since the start of the crisis in April 2018.

Based on statements and other information received by the Special Monitoring Mechanism for Nicaragua (MESENI), the IACHR notes that, in many cases, the people who have been forcibly displaced had previously been victims of direct threats of arrest by officers of the National Police or government supporters. In many other cases, the affected individuals said they lived in a climate of fear and unease due to the constant presence of National Police officers close to their homes and to the fact that they had been followed and subjected to surveillance or had even been denied the option of moving to other departments.

Some of the main groups who have fled Nicaragua are human rights defenders and journalists; students who had taken part in demonstrations in April 2018; legal representatives of individuals who were deprived of liberty; healthcare workers who opposed government policies; people who had been released from detention based on the 2019 Amnesty Act; relatives of individuals who had been detained or murdered in the context of the crisis; and, in general, political and social movement leaders who had been subjected to threats given the persistence of arbitrary arrests in the country.

Individuals who are identified as government critics and seek to leave Nicaragua are sometimes interrogated and subjected to reviews of their personal documents, computers, and cell phones by National Police officers at the airport. According to the statements the IACHR has had access to, these actions allegedly seek to prevent the relevant individuals from exposing on an international scale the situation of human rights in Nicaragua. These practices allegedly encourage people to attempt to flee through irregular routes or "blind spots."

The IACHR stresses that, in keeping with [Resolution 04/19, \*Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking\*](#), States have an obligation to mitigate the causes of displacement and to reduce the vulnerability of migrants going through their territories, particularly displaced persons or individuals who go into exile for humanitarian reasons.

The Commission reminds States that they must enable access to regularization for individuals who are in irregular situations, taking into account their circumstances of entry, the duration of their stay in the country, and other relevant considerations.

The IACHR issues a special call for regional and international solidarity, to address the risks faced by individuals in human mobility contexts given the serious human rights situation in Nicaragua. When people are expelled or sent back to their countries of origin or of usual residence without adequately

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establishing their potential international protection needs, they may have to face situations like those that forced them to leave in the first place.

The IACHR therefore urges States to implement or strengthen regional cooperation and shared responsibility mechanisms to address the causes of displacement, expand and improve regular migration channels, ensure access to territories and processes to provide international protection, and implement social inclusion measures without discrimination, in favor of these individuals. The IACHR calls on Member States of the Organization of American States (OAS) to implement the recommendations made in the IACHR report in order to protect the rights of Nicaraguan migrants and refugees.

Finally, the Commission stresses that the State of Nicaragua must immediately end persecution against individuals who are considered government critics.

A principal, autonomous body of the Organization of American States (OAS), the IACHR derives its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for and to defend human rights in the region and acts as a consultative body to the OAS in this area. The Commission is composed of seven independent members who are elected in an individual capacity by the OAS General Assembly and who do not represent their countries of origin or residence.

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OAS » IACHR » Special Rapporteurship for Freedom of Expression » Press release R218/22

## Press release R218/22

### In light of serious allegations regarding the closure of civic spaces in Nicaragua, UN and IACHR Special Rapporteurs urge authorities to comply with their international obligations to respect and guarantee fundamental freedoms

September 28, 2022

Geneva / Washington D.C. – In light of the closure and government co-optation of civic spaces and democratic participation in Nicaragua, the United Nations (UN) Special Rapporteur on Freedom of Peaceful Assembly and of Association and the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) urge the State to restore and reimplement the full enjoyment of civil and political rights, in particular freedom of expression, peaceful assembly, and association. They also call for the international community to raise their commitment to support the victims of the human rights crisis.

Restrictions on fundamental freedoms have reached a critical point in Nicaragua. The complaints received by the [Special Rapporteurs](#) over the course of this year show that there is no longer any space for critical voices, as the Government's censorship strategy has been steadily deployed against any person that questions it and against all available areas of democratic participation. Since April 2018, more than 2000 organizations of civil society - linked to political parties, academic, and religious spaces – have been cancelled. Last July, [UN experts expressed their concern](#) over the arbitrary shutdown of hundreds of civil society organizations and denounced that it represents "a clear pattern of repression of civic space". Furthermore, attacks and unlawful interference with the freedom of the media is a serious trend that has increased in the last four years. Since then, at least 54 national media outlets have been closed, and the occupation and confiscation of the facilities of the media outlets *100% Noticias*, *Confidencial*, and *La Prensa* continues. The censorship strategy has also extended to the international press, creating a siege that hinders and prevents the circulation of relevant information about what is happening in the country: in recent years, the Government has prevented the entry of journalists from foreign media on at least seven occasions, and recently took *CNN en Español* off the air, without making public the reasons for the decision. In their onslaught against all forms of independent expression, the authorities have also banned religious processions; prevented academics and researchers from entering the country; pushed to censor and veto writers; expelled musicians from the country; and violently arrested priests and other critical religious leaders.

The attacks, judicial persecution and activation of control and surveillance mechanisms against journalists, human rights defenders, civil society actors, academics, students, members of the Catholic Church, political parties and government opponents not only represent a clear violation of human rights and the principles of the rule of law but also have a humanitarian impact. Currently, according to information documented by the IACHR's [Special Monitoring Mechanism for Nicaragua \(MESENI\)](#), the number of political prisoners stands at more than 200, many of whom are held in unhealthy conditions, without access to adequate medical care, subjected to solitary confinement regimes, and prevented from receiving visits from their families, among other cruel, inhuman, and degrading treatment.

In view of the facts reported, the Rapporteurs express their strong rejection and recall the following:

**First**, the State of Nicaragua must immediately cease the judicial persecution of all dissenting voices, release those imprisoned for political reasons and ensure prompt, impartial and thorough investigations into allegations of human rights violations, resulting in those responsible being held to account and effective remedies being provided to the victims. The actions perpetrated by the authorities directly violate the rights to freedom of expression, peaceful assembly, and association and have generated a notable effect of self-censorship among Nicaraguan citizens, who in many cases decide to silence themselves in fear of being the target of retaliation and to protect their personal integrity and that of their families.

**Second**, the authorities must refrain from using the law arbitrarily and selectively and from applying abusive governmental practices to hinder or restrict citizen participation and freedom of expression, peaceful assembly, and association. The closure and widespread cancellation of civil society organizations and media outlets highlights the governmental co-optation of civic space and the intention to consolidate the official narrative as the only permitted discourse, which is deepened by official propaganda strategies and pressures to replicate it.

#### Quote of the day

Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever.

American Declaration of the Rights and Duties of Man

#### Links

[Article 13 - American Convention on Human Rights](#)

[Declaration of Principles on Freedom of Expression](#)

**Third**, the Rapporteurs urge the State of Nicaragua to guarantee the life and integrity of persons deprived of their liberty, with unrestricted respect for human dignity. They also call on the international community to improve their monitoring of the situation of political prisoners and to encourage the compliance with their fundamental rights and freedoms, and to take humanitarian support measures in accordance with the seriousness of the allegations received.

**Fourth**, the Rapporteurs call on States to offer protection and humanitarian assistance to the various actors of Nicaraguan civil society who are forced into exile in the wake of the social, political, and human rights crisis. Under international human rights law, refugee law, and international humanitarian law, States are called upon to open their borders and guarantee emergency entry into their territory to civil society actors seeking international protection or demonstrating urgent humanitarian needs, including recognition of refugee status.

Within the framework of their mandates and functions, the Rapporteurs emphasize their commitment to continue promoting and defending the re-establishment of rights to freedom of assembly, association and expression of Nicaraguan society. They also expressed their willingness to visit the country and offer technical advice. Finally, they reiterate the calls and recommendations made in the [Joint Declaration on Protecting And Supporting Civil Society At-Risk](#) (2021) and the [Joint Declaration on Protecting the Right To Freedom of Peaceful Assembly in Times Of Emergencies](#) (2022) and hope that the set of international instruments and multilateral human rights mechanisms can contribute to the restoration of the rule of law in Nicaragua.

***\*The experts: Clément Voule, United Nations (UN) Special Rapporteur on Freedom of Peaceful Assembly and Association; Pedro Vaca Villarreal, IACHR Special Rapporteur on Freedom of Expression.***

R218/22

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Nov 7, 2022 - World

## Biden's new border policy throws Venezuelan migrants into limbo



Liz Briceño Pazmiño



Venezuelan migrants wait to be registered after crossing the Darien Gap into Panama. Photo: Luis Acosta/AFP via Getty



to the U.S. in limbo.

**Why it matters:** More than 7.1 million people have left Venezuela since 2015 largely due to the country's dire humanitarian crisis, [according to the UN](#). Just this year, 150,000 Venezuelans have arrived at the southern U.S. border — [four times as many](#) as in the year prior.

- Many arrived after making [one of the world's most dangerous journeys](#), crossing the Darién Gap and up through Central America.

**Driving the news:** The Biden administration last month [announced](#) that Venezuelans who cross the U.S. southern border between ports of entry, without authorization, after Oct. 12 will be returned to Mexico.

- Venezuelans who irregularly entered Mexico or Panama after Oct. 12, as well as any Venezuelan who is a dual national of any country other than Venezuela or holds refugee status of any country will not be eligible for entry into the U.S.
- The Biden administration says the new policy is intended to create "a more orderly and safe process for people fleeing the humanitarian and economic crisis in Venezuela." The expulsions are being made under a pandemic Trump-era policy known as Title 42.
- The Department of Homeland Security also announced a process to allow up to 24,000 Venezuelans to enter the U.S. through its airports.

**Zoom in:** The U.S. decision was particularly concerning for those who were en route to the U.S. — many of whom had just crossed or were attempting to traverse the perilous Darién Gap.

the end of September, according to the [UN refugee agency](#).

- The journey involves traversing the treacherous jungle between Colombia and Panama, avoiding drug traffickers and violence.
- It's a journey Venezuelans who have done it, including Elianny who recently spoke to Axios, say is grueling.

**Elianny, 31**, fled Venezuela in 2016 and traversed the Darién jungle last year. Desperate to reach the U.S., she paid people smugglers \$250 to help her and her two-year-old daughter.

- "I had already prepared myself psychologically before traveling because I knew anything could happen, but deep down I knew I had to protect my baby," says Elianny, who asked Axios to only use her first name because she's still going through the asylum process.
- Along the way, Elianny says she saw people being robbed and girls being raped. She says she hopes to one day forget those images.
- The smugglers abandoned her, and Elianny admits she's not sure what might have happened if not for the men who helped carry her daughter during difficult stretches. It took four grueling days to reach Panama, she says.

**After being temporarily detained** and then released by Panamanian authorities, they crossed through Central America until they reached the city of Acuña, Mexico, and crossed the Río Grande River.

- Once in Texas, she turned herself into authorities and requested refuge. Without a permit to work legally, she resorted to using

Nicaragua AR\_001573

- Elianny previously spent four years in Ecuador, but after the pandemic decimated that country's economy, she found it difficult to make ends meet.

**The big picture:** Mexican Foreign Minister Marcelo Ebrard [announced](#) that he had U.S. deported 1,768 Venezuelans to Mexico in the first week under the new policy. More Venezuelans than usual arriving at the southern border also requested refuge in Mexico rather than continuing on, he said.

**Those who stay in Mexico** will have limited job prospects, according to William Jensen, a former Mexican official who is also affiliated with the Mexican Council on International Affairs.

- Mexico is now home to many more migrants than the government is willing or able to support, and only a fraction gain stable, legal employment in areas like manufacturing, Jensen says. Many migrants are forced to sell items in the street or do other irregular work.
- Several [media outlets have reported](#) about Venezuelan migrants now sleeping on the street in Mexico, unsure of where they will end up.
- If Mexico deports Venezuelans further south, they could be vulnerable to extortion, kidnapping, violence, human trafficking or sexual exploitation, says Manolo Préstamo, an immigration expert at the Mexican Council on International Affairs who recently visited the border.

**What to watch:** The Biden administration hopes that people fleeing Venezuela will remain in neighboring countries rather than trying to

thousands of Venezuelan migrants. In Ecuador, the U.S. embassy [has posted on social media](#) encouraging Venezuelans to pursue regularization.

- José Regalado, President of the Venezuelan Civic Association of Ecuador, says some people are deciding to stay in Ecuador and apply for regularization due to Biden's new policy.
- Many others will likely still try to find a way north.



Go deeper

Rebecca Falconer  
Updated 10 mins ago - World

## 5 people killed in Canada condo shooting



A screenshot of York Regional Police Chief Jim MacSween. Photo: York Regional Police/[Facebook](#)

A shooting just north of Toronto, [Canada](#), left five people dead and another person with serious injuries in a local hospital Sunday evening, police said.

**Details:** The suspect, a 73-year-old man, also died in the shooting that happened at a condo in the city of Vaughan around 7:20 p.m., per [a statement](#) from York Regional Police.

[Go deeper \(1 min. read\)](#) →



Jacob Knutson  
18 mins ago - World

## FBI warns of explosion of "sextortion" schemes targeting kids and teens

Photo: Celal Gunes/Anadolu Agency via Getty Images

The FBI issued a [public safety alert](#) Monday about an "explosion" of financial "sextortion" schemes targeting children and teens.

**Why it matters:** The agency said it has received more than 7,000 reports of financial sextortion against minors over the past year and has recorded at least 3,000 victims of the crime — primarily boys. It also linked more than a dozen suicides to such schemes.

[Go deeper \(1 min. read\) →](#)



Andrew Freedman, Rebecca Falconer  
Updated 1 hour ago - Science

## Arctic blast to bring temperatures of 0°F or colder to 55M in U.S., snarl holiday travel



Model projection showing air temperatures on Dec. 23, including single digits down into Texas. Image: [PivitolWeather.com](#)

Forecasters are warning of holiday travel disruption as about 270 million people in the Lower 48 states are expected to see [temperatures plunge](#) to 32°F or below during the next seven days, and a major winter storm strikes the Midwest.

- That's according to National Weather Service forecast data analyzed by [Weatherbell.com](#).

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## INTERNATIONAL

### Sandinistas complete their political domination of Nicaragua

More than 200,000 Nicaraguans have fled the country in recent years.



A child plays with electoral sheets posted on a wall during municipal elections in Managua, Nicaragua, on Nov. 6, 2022. | AP Photo

By ASSOCIATED PRESS  
11/08/2022 12:15 AM EST



MEXICO CITY — The Sandinista National Liberation Front completed its political domination of Nicaragua on Monday as electoral officials said it had won control of all the country’s 153 municipalities in elections that critics called unfair.

Coming into Sunday’s elections, the party of President Daniel Ortega already controlled 141 of Nicaragua’s municipalities. But having outlawed the country’s main opposition parties and jailed dozens of opposition figures, the field was clear for the Sandinistas’ sweep.

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They appeared to achieve de facto single-party status, wresting control of the last 12 municipalities that had been in the hands of other parties, though those groups were considered collaborationist by much of the exiled opposition.

The Inter-American Commission on Human Rights expressed concern Friday that “the minimum conditions necessary” to hold free and fair elections do not exist in Nicaragua. It called on the government to reestablish democratic guarantees and stop the repression.

The government has shuttered some 2,000 nongovernmental groups and more than 50 media outlets as it cracked down on voices of dissent. Some 100 civil society organizations were closed Friday, the government announced.

First lady and Vice President Rosario Murillo told government media that the elections confirmed “the unity around peace and the good, as the only path” for

the country. “We had an exemplary, marvelous, formidable day in which we confirm our calling for peace.”


Nicaragua has been in political and social upheaval since big street protests that broke out in April 2018 became a referendum on Ortega’s rule. More than 200,000 Nicaraguans have fled the country since, most to neighboring Costa Rica.

Ahead of national elections last November when Ortega was elected to a fourth consecutive term, authorities locked up leading opposition figures, including six likely challengers. Since his re-election, Ortega has further cracked down on dissent, going so far as to jail an outspoken Roman Catholic bishop and other

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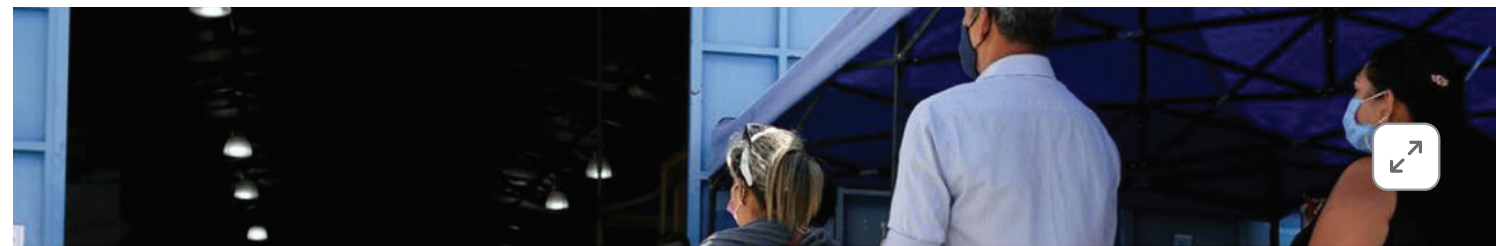
2 minute read · August 10, 2022 5:32 PM EDT · Last Updated 5 months ago

## Costa Rica prepares plan to regularize status of 200,000 mostly Nicaraguan migrants

Reuters

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**[1/4]** Migrants, mostly Nicaraguans, queue to enter a migration facility to request asylum in Costa Rica due to the political situation in their country, in San Jose, Costa Rica January 10, 2022. REUTERS/Mayela Lopez

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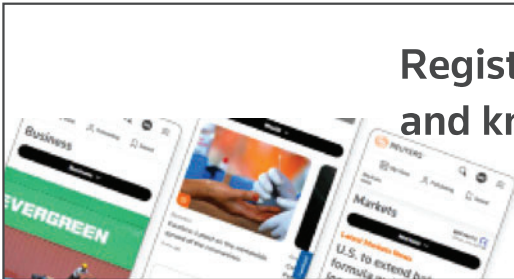


SAN JOSE, Aug 10 (Reuters) - Costa Rica is readying a plan to regularize the status of some 200,000 migrants, largely from the Central American country's northern neighbor Nicaragua, authorities told Reuters on Wednesday.

The plan aims to formally include the migrants in the jobs market and healthcare system, Costa Rica's migration head Marlen Luna told Reuters.

Costa Rican officials are still studying how to implement the plan, which will require a final nod from President Rodrigo Chaves.

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An influx of people fleeing Nicaragua saw asylum requests in Costa Rica reach a record 60,000 last year, but migration officials believe this could climb to 80,000 in 2022.

Requests for asylum surged late last year after Nicaraguan President Daniel Ortega won a fourth consecutive term in office. Critics have accused his administration of political repression and human rights abuses in the wake of a wave of anti-government protests in 2018.

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"We are preparing a plan in response to our inability to handle this extreme number of requests," Luna said, noting the asylum requests would take nine

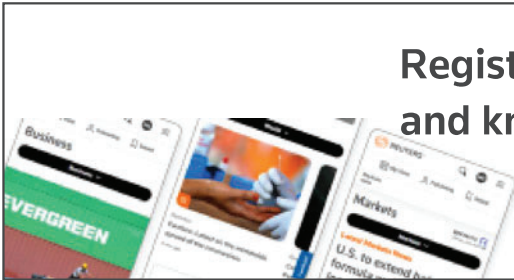
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Costa Rica, one of the most affluent and stable countries in Central America, has called for support from the international community.

Nicaraguan migrants make up some 90% of applications for refugee status in Costa Rica, and represent 11.5% of Costa Rica's 5.2 million inhabitants, according to Chaves.

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Reporting by Alvaro Murillo; Writing by Sarah Morland; Editing by Jackie Botts and Rosalba O'Brien



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A restorer in Brazil's capital gently scrapes off dirt from an ornate vase, just one of the relics damaged earlier this month when right-wing rioters stormed the country's most important institutional headquarters.

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## Ortega's path to run for fourth straight re-election as Nicaraguan president

Reuters



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A woman watches a televised speech by Nicaraguan President Daniel Ortega during an event where he agreed with his Honduran counterpart Juan Orlando Hernandez to define their borders in the Caribbean Sea and the Pacific Ocean, including the Gulf of Fonseca, which they share with El Salvador, in Managua, Nicaragua October 27, 2021. REUTERS/Maynor Valenzuela/File Photo




Nov 3 (Reuters) - Nicaraguan President Daniel Ortega is up for re-election on Nov. 7 for a fourth consecutive term, with critics saying the former Marxist revolutionary has become the sort of authoritarian leader he once opposed as he suppresses growing dissent.

Following are the main events that shaped the rise to power of the longest-serving leader in the Americas and his consolidation of political control in the face of protests:

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Ortega joins the Sandinistas two years later as a teenager.



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1967 - Ortega is jailed for seven years after robbing a bank to fund the FSLN. Released in 1974 to Cuba, he trains in guerilla warfare before returning to Nicaragua.

1979 - The FSLN military campaign topples dictator Anastasio Somoza, replacing him with a junta that Ortega would come to dominate.

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1984 - Ortega is elected president.

1990 - Ortega is defeated in his bid for a second term by Violeta Chamorro of the National Opposition Union.



Venezuela.

2010 - The Supreme Court lifts a ban on consecutive presidential re-elections, allowing Ortega to run again.

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November 2011 - Ortega wins a second straight term with more than 72% of the vote in an election which rivals said was fraudulent. International election observers say irregularities were not enough to alter the outcome, but the disputed process gave his Sandinista party a two-thirds majority in Congress - just enough votes to change the constitution.

January 2014 - Congress changes the constitution to remove term limits, allowing Ortega to run for office indefinitely.

November 2016 - Ortega wins a third term, again with over 72% of votes. Shortly before the election, the Sandinista-controlled Supreme Court replaces the leader of the main opposition party with someone with strong ties to Ortega.

quit. Protests continue after Ortega abandons the reform and more than 300 people die and hundreds are arrested in the government's heavy-handed crackdown, which is internationally condemned.

2019 - Nicaragua releases dozens of political prisoners under an amnesty law. Ortega rejects a proposal for early elections from the Organization of American States.

October 2020 - Nicaragua passes laws criminalizing what the administration considers "fake news". The laws also bar people from seeking office if they are believed to have financed attempts to oust Ortega, or encouraged sanctions.

June 2021 - Police place opposition leader Cristiana Chamorro, a daughter of former President Violeta Chamorro, under house arrest. Arrests of other presidential hopefuls follow.

August 2021 - Prosecutors charge eight opposition leaders with conspiracy, including three who planned to challenge Ortega. Police raid the office of La Prensa, the only remaining independent newspaper, and arrest the manager.

October 2021 - Police detain two top representatives of Nicaragua's biggest business association, accusing them of crimes "to the detriment of the Nicaraguan state."

November 2021 - By the time of the election, 38 opposition leaders are either in jail or under house arrest.

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Reporting by Jake Kincaid; editing by Grant McCool



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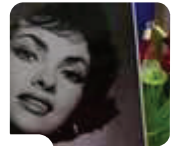
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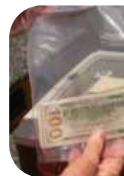
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Americas · January 18, 2023

Brazilian President Luiz Inacio Lula da Silva said on Wednesday that the country's minimum wage must rise in line with its economic growth, after the government approved a 7.12% year-on-year increase in monthly wages to 1,302 reais (€252.50).

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## The border's toll: Migrants increasingly die crossing into U.S. from Mexico

By Mica Rosenberg, Kristina Cooke, Daniel Trotta



SAN DIEGO, California, July 25 (Reuters) - In the early hours of Friday, May 6, Gerardo Avila and five other migrants scaled the 18-foot U.S. border wall next to a Mexican highway, about a quarter mile west of the Otay Mesa port of entry in San Diego.

Avila had been deported to Mexico a few weeks earlier after three decades in the United States, and was trying to get back to his family for Mother's Day, relatives said.

As he was climbing, bright lights from a border patrol vehicle flashed in the direction of the wall, illuminating the foggy night sky. Agents heard a scream and saw Avila fall about 15 feet (4.5 m), according to a Border Patrol statement, which identified him only as a "male citizen of Mexico."

Avila, 47, was declared dead at the scene. The others were rushed to hospital. His death was part of a spike in fatalities along the U.S.-Mexico border, which broke records last year. New data from the United Nations shows the trend is on track to be as bad or worse this year.

From the highways of San Antonio, Texas, where 53 migrants died last month after being packed into a sweltering tractor-trailer, to the currents of the Rio Grande, the unrelenting heat of the desert in Arizona and the wall that former President Donald Trump touted as "just about unclimbable," there have been more than 1,000 fatalities on the border since U.S. President Joe Biden took office in January 2021.

Nicaragua AR\_001615

Some of the deaths, medical experts and advocates told Reuters, are a legacy of Trump-era policies. The towering wall - built as high as a three-storey building in some sections - has multiplied serious injuries for those who try to scale it.

A record number of crossings, more than 1.7 million so far this fiscal year through June, have been fueled in part by an expulsion policy put in place by Trump, a Republican, that Biden, a Democrat, has been unable to end.

It cuts off options for requesting asylum, pushing migrants to seek entry multiple times along ever-more-risky clandestine routes. Republicans say Biden's promise of a more "humane" approach to the border has encouraged migrants to embark on the dangerous journey to the United States in ever greater numbers.

## THE TOLL

Last year was the deadliest for migrants crossing the border, with 728 fatalities recorded by the United Nations, which started counting in 2014. The U.N. has counted 340 more this year, apace with 2021's grim record.

In Arizona, deaths last year were the highest in four decades of data collected from local medical examiners. In the San Diego area, Scripps Mercy hospital reported a roughly five-fold jump in admissions for wall-related injuries after Trump built the higher border wall, data shared with Reuters show.

U.S. Customs and Border Protection (CBP) acknowledged in a statement "a rise in the number of deaths." It blamed smuggling organizations "with no regard for human life," who abandon migrants in remote and dangerous areas.

CBP has not published data on deaths on its website since fiscal year 2020.

Record keeping is patchy. Some migrants who die are never found or identified.



Following congressional mandates, CBP changed here how it counts fatalities along the border last year to include only those who die in custody, during arrests or when agents were nearby. The agency told Reuters there were 151 such “CBP-related” deaths in the 2021 fiscal year, a previously unreported number.

Bodies discovered by CBP or others are not currently included in the agency’s data.

Avila’s death, which is being investigated by local and federal authorities, would likely be counted under the new methodology because CBP agents were present when he died. Reuters was unable to establish what caused Avila and the others to fall.

## THE WALL

The primary fence Avila fell from doubled in height to 18 feet under Trump, whose campaign rallying cry of “build the wall” launched him to the presidency in 2016. A 30-foot secondary fence was built in the same section.

On one morning in May, Vishal Bansal, Scripps Mercy’s chief of trauma surgery, and his team saw three border patients.

Two were recent arrivals with fractures to the lower extremities, another had a head injury, had been unresponsive for weeks and was given a 50/50 chance of survival.

“We have seen a massive uptick in the number of patients since the end of 2021 until now,” Bansal said.

While the hospital attends migrants injured at sea or in crashes after high-speed chases with border patrol, the majority are injured “falling from the border wall,” he said.

The trauma center at Scripps Mercy - where the hills of Tijuana, Mexico are visible out the windows - alternates months with nearby University of California at San Diego (UCSD)

Medical Center to receive patients injured while crossing the border.

A UCSD study published by the Journal of the American Medical Association on April 29 found the higher border wall was associated with more deaths and severe injuries as well as increased costs for the hospital.

From 2019 to 2021, after the higher wall sections were completed, there were 375 UCSD admissions due to falls, a more than five-fold increase compared to the previous three-year period.

Four of the people injured in the fall on May 6, when Avila died, were rushed to Scripps Mercy, which has recorded 209 border fence falls from 2019 to 2021, up from 43 recorded in the previous three years, according to the data shared with Reuters.

In the first five months of this year the hospital received three times more border injury patients than in the same period last year.

One of the recent arrivals, Juan Jesus, 24, had already gone through two operations on his broken lower left leg, and suffered spine and hip injuries after falling from the wall.

Juan Jesus, a truck driver who spoke on condition his last name not be used, said he fled Mexico after suffering multiple armed robberies of his cargo and threats to his family. One night after sundown, he and a friend found a discarded metal ladder on the Mexican side of the border and decided to use it to go over the fence near the Tijuana airport.

They cleared the first, shorter fence just fine, Juan Jesus said, reaching U.S. territory. But they still had to scale the second 30-foot barrier, and the ladder was not quite tall enough.

As he neared the top, it came away from the wall and he fell, breaking his leg. He lay immobile and in pain, until the Border Patrol arrived and called an ambulance.

Gerardo Avila also took great risks scaling the wall, but unlike Juan Jesus he wasn't fleeing home, he was trying to get back.

Avila first arrived in the United States as a teenager in 1990, according to court records, coming “through the hills.” He, his mother and nine siblings all settled in the country. He worked in construction and made a life in Perris, California with his wife and five step-children, according to his sister, Elisa Sandoval.

Avila spent years fighting to stay in the country, before losing his final appeal last year. In immigration court, U.S. Immigration and Customs Enforcement prosecutors pointed to a 2006 conviction for driving under the influence and hit and run with injury as a reason his request for leniency should be denied.

Avila told the court that he checked on the driver he rear-ended and gave her his insurance information before driving on. He was arrested shortly after leaving the scene, records show, and was sentenced to 20 days in jail and three years probation.

On March 16 of this year, Avila was arrested by a border patrol criminal-targeting team at a Home Depot in Perris and deported through the San Ysidro port of entry that same day.

“He was really desperate to get back,” his sister Sandoval said. Instead, he was buried in California on his 48th birthday.

“I think the wall is stupid. Trump is to blame for these deaths,” she said.

Asked about the role of the wall in injuries and deaths, a spokesperson for Trump blamed Biden’s policies for “mayhem” on the southern border.

## THE ROAD

One of Trump’s signature policies that Biden has so far not overturned allows border agents to quickly expel migrants back across the border.

An unintended consequence: many simply cross again and again, often making increasingly risky choices to avoid detection.

Brothers Mariano, 32, and Begai Santiago, 33, from a tiny village in the southern Mexican state of Oaxaca, where most residents speak the indigenous language of Chinanteco, set out for Atlanta, Georgia for work. They were turned back by U.S. officials twice, but kept trying.

“He told me he was going to try to cross a third and final time,” Mariano’s wife Luz Estrella Cuevas told Reuters.

The third time, they crossed undetected, and then boarded a tractor-trailer packed with dozens of other migrants headed to San Antonio.

Mariano did not make it out alive.

He was one of 53 victims who died locked inside the overheated trailer on the side of a Texas highway on June 27, the most deadly smuggling incident in recent U.S. history.

Begai survived to recover in a San Antonio hospital.

The brothers were identified in part because U.S. authorities had records of their previous crossings.

Migrants have been turned around more than 2 million times since the Trump policy known as Title 42 was put in place in the name of protecting public health in March 2020 at the start of the COVID-19 pandemic, according to U.S. government data.

Francisco Garduno, head of Mexico’s National Migration Institute, said Mexican migrants now try to cross on average four times and some more than a dozen times.

“Sometimes they are returned and try to cross again the next day,” Garduno told reporters in June.

U.S. immigration authorities said they could not comment on whether the brothers were expelled under Title 42 because the investigation was ongoing.

## THE DESERT

A clampdown on asylum claims eventually drove Guatemalan Sandy Montufar deep into the Arizona desert.

Montufar first fled central Guatemala in 2018 after an assault left her unconscious for more than a week, her mother, Teresa, said.

Montufar set out for the U.S.-Mexico border carrying police reports detailing the assault in the hopes of getting asylum.

“They didn’t give her a chance,” Teresa said, “they just deported her.”

CBP did not respond to requests for comment on her case.

At the time, the Trump administration was making it harder to seek asylum, arguing that most claims were without merit.

Once home, where her family were subsistence farmers, she was still afraid, Teresa said, and earlier this year, at 23, she tried again.

Around 5 p.m. on September 5, Montufar called her mother to say she was going to cross the border. The next thing Teresa heard was from a person traveling with Montufar, who said the group left her in the desert after she was too weak to continue.

He had her phone and some rosary beads, a parting gift from her mother.

Relatives in Arizona went to search for her, Teresa said, but it was too late.



Her skeletal remains were discovered on Sept. 16 on Tohono Oodham Nation land, according to data from local medical examiners collected by the Arizona-based Humane Borders initiative.

Her cause of death was logged as undetermined, the Pima County medical examiner's office said.

In 2021, 225 deceased migrants were found along Arizona's some 400-mile long border with Mexico, data from Humane Borders shows, the most since the earliest record kept in 1981.

Rescues by border agents along the southwest border have topped 14,000 since the start of the 2022 fiscal year, more than recorded for the full 2021 fiscal year.

Border Patrol Agent Jesus Vasavilbaso said emergency calls in the Tucson sector were up more than 25 percent compared to the same period last year.

"We are receiving approximately 16 calls a day," he said. "Every single day."

Teresa said their family paid thousands of dollars for the trip, but the smugglers stopped answering calls after her daughter went missing.

"They wash their hands of it, they leave people like they were worth nothing," she said. (Additional reporting by Lizbeth Diaz in Mexico City, Jackie Botts in Oaxaca and Alexandra Ulmer in San Francisco; Editing by Frank Jack Daniel)

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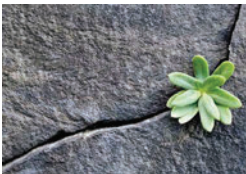
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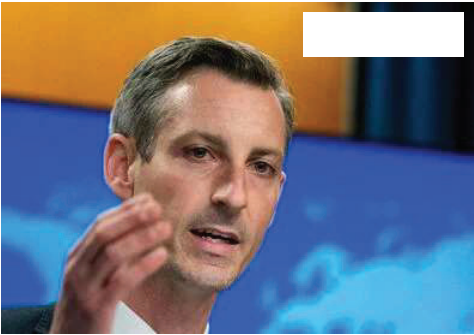
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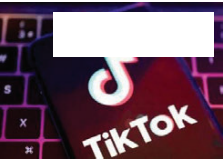
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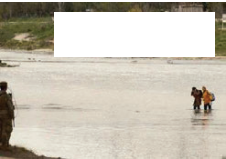
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WORLD & NATION

# Sandinistas complete their political domination of Nicaragua following local elections



A boy looks at electoral roll sheets posted on a wall for municipal elections in Managua, the Nicaraguan capital. (Associated Press)

BY GABRIELA SELSER | ASSOCIATED PRESS

NOV. 8, 2022 1:31 AM PT



**MEXICO CITY —** The Sandinista National Liberation Front completed its political domination of Nicaragua on Monday as electoral officials said it had won control of all the country’s 153 municipalities in elections that critics called unfair.

Coming into Sunday’s elections, the party of President Daniel Ortega already controlled 141 of Nicaragua’s municipalities. But after the government outlawed the country’s main opposition parties and [jailed dozens of opposition figures](#), the field was clear for the Sandinistas’ sweep.

They appeared to achieve de facto single-party status, wresting control of the last 12 municipalities that had been in the hands of other parties, though those groups were considered collaborationist by much of the exiled opposition.

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The Inter-American Commission on Human Rights expressed concern Friday that “the minimum conditions necessary” to hold free and fair elections [did not exist in Nicaragua](#). It called on the government to reestablish democratic guarantees and stop its repression.



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Aug. 11, 2022

The government has shuttered some 2,000 nongovernmental groups and more than 50 media outlets [in its crackdown on dissent](#). Some 100 civil society organizations were closed Friday, the government announced.

First Lady and Vice President Rosario Murillo told government media that the elections confirmed “the unity around peace and the good as the only path” for the country. “We had an exemplary, marvelous, formidable day in which we confirm our calling for peace.”

Nicaragua AR\_001630

Nicaragua has been in political and social upheaval since big street protests in April 2018 became a referendum on Ortega's rule. More than 200,000 Nicaraguans have fled the country since, most to neighboring Costa Rica.

Ahead of [national elections last November](#), when Ortega was elected to a fourth consecutive term, authorities locked up leading opposition figures, including six likely challengers. Since his reelection, Ortega has further cracked down on dissent, going so far as to jail an outspoken Roman Catholic bishop and other clergy.

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**The Washington Post**  
*Democracy Dies in Darkness*

**AMERICAS**

# Nicaragua detains Catholic bishop in escalating crackdown on dissent

By [Mary Beth Sheridan](#), Ismael López Ocampo and Ana Vanessa Herrero

Updated August 19, 2022 at 9:12 p.m. EDT | Published August 19, 2022 at 7:34 p.m. EDT

Federal police stormed the home of a Catholic bishop in northern Nicaragua at dawn on Friday and detained one of President Daniel Ortega's most prominent remaining critics as the government moved ever closer to silencing all dissent in the Central American country.

Authorities placed the bishop, the Rev. Rolando Álvarez, under house arrest at his parents' home in Managua, the capital. Five priests and two seminarians who were with him at his residence in Matagalpa were locked up in El Chipote, the notorious prison where more than 100 of the president's opponents have been jailed.

The government said in a statement that the bishop had "persisted in his destabilizing and provocative activities." It did not elaborate or say what legal charges the Catholic leader was facing. Two weeks ago, [police surrounded his residence](#), saying he was under investigation for allegedly sponsoring violent anti-government groups, a charge he denies. The government's spokeswoman, Rosa Murillo — Ortega's wife and vice president — did not respond to a message seeking comment.

In the past year, Ortega's government has jailed nearly all his best-known opponents, including seven politicians who had been expected to seek the presidency last November. His government has also shut down hundreds of civil society groups, as well as universities and media organizations, in one of the most intense waves of repression in the hemisphere.

It has engaged in an increasingly bitter feud with religious leaders in the majority-Catholic country, closing eight Catholic radio stations and expelling the Vatican's ambassador, the Rev. Waldemar Sommertag. Authorities also expelled 18 nuns from the Missionaries of Charity, founded by Mother Teresa, who had been helping run shelters and orphanages.



Relations between Ortega and the church soured after the government cracked down on nationwide protests in 2018, prompting street battles that left more than 360 dead, according to human rights groups. When Catholic bishops called for justice, the Ortega government accused them of fomenting a coup. Several priests and a prominent bishop, Silvio Báez of Managua, have gone into exile.

Álvarez, 55, has recently been the most influential Catholic critic of the government, speaking out in radio and newspaper interviews about what he has condemned as Ortega's authoritarian behavior. After his arrest, the archdiocese of Managua said his physical condition had deteriorated but "his courage and spirits are strong."

U.N. Secretary General António Guterres is "very concerned by the severe closure of democratic and civic space in Nicaragua and recent actions against civil society organizations, including those of the Catholic Church," a deputy spokesman told journalists on Friday after the bishop's arrest. He called on the Nicaraguan government to guarantee "freedoms of association, thought, conscience, and religion, and to release all people arbitrarily detained."

Government critics said Álvarez's detention was stunning even by the standards of a country whose democracy had shriveled.

"With a pained, indignant heart I condemn the nighttime kidnapping of Monsignor Álvarez," tweeted Báez, who is living in the United States. "Once again, the dictatorship has surpassed even its own evil and its diabolical spirit."

Pope Francis has not commented publicly on the bishop's detention or any other recent government moves against the Catholic Church, to the dismay of some Latin American human rights activists. The Vatican's permanent observer to the Organization of American States, Monsignor Juan Antonio Cruz Serrano, expressed concern this month about the developments and called for dialogue.

Ortega, 76, helped lead the Marxist Sandinista revolution that triumphed in 1979, toppling the U.S.-backed Somoza dictatorship. He headed the government until 1990, and then returned to power in 2007. Last year, he won an election after eliminating all possible opposition. Human rights organizations say his government has detained more than 160 political prisoners.

The United Nations estimates that more than 120,000 Nicaraguans have fled the country since 2018, the largest exodus since the civil war of the 1980s.

Álvarez himself left the country during the civil war, moving to Guatemala, where he studied for the priesthood. In 2011, he was named bishop of Matagalpa, one of the least developed areas in Nicaragua. In 2015, he led major demonstrations against government plans to allow mining in a northern area of the country, charging that it would pollute the groundwater. The government backed off.

The bishop "went on horseback to the most remote parts of the mountains to visit the sick and celebrate Mass," said Emiliano Chamorro, a journalist who accompanied him on several trips. "People love him. He's a true pastor."



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Migrant Misinfo



July 26, 2022

## Inside the World of Misinformation Targeting Migrants on Social Media



We talked to migrants about their information diets. Here's what we learned.

Migrants undertaking the perilous journey to the U.S. are overwhelmingly dependent on Facebook and WhatsApp, yet the platforms' owner, Meta, has done little to stop dangerous misinformation targeting them, according to a new survey of migrants headed to the U.S.

Nicaragua AR\_001638

The study, conducted by the Tech Transparency Project (TTP), revealed that migrants were well aware of the myriad ways in which incorrect or deceptive information on social media platforms could make their lives more dangerous. Migrants told TTP that Facebook and WhatsApp connected them with individuals who promised to help them gain entry to the U.S., only to steal their money or abandon them in dangerous situations.

TTP also found an abundance of posts spreading misinformation about immigration law, conditions along the route to the United States, and the opportunities available to migrants to the U.S. Many migrants expressed frustration with the abundance of misinformation on the platforms. "It's difficult because you can't tell what source of information is reliable," one migrant said.

Even so, many migrants fleeing violence or desperate for a better life felt that they had no choice but to wade through the sea of deceptions on social media. "I believe in what people say and whoever leads us [across the border]," one respondent who found a coyote on Facebook said. "I have nothing else to believe in."

As the number of migrants arriving at the U.S. border with Mexico soars (<https://www.nbcnews.com/politics/immigration/migrant-arrivals-southern-border-surged-22-year-high-march-rcna24660>), to the highest level in decades (<https://www.nytimes.com/2022/06/05/us/politics/border-migrants-asylum.html>), the role of rumors and misinformation in driving migrants northward has gained (<https://www.dhs.gov/news/2022/03/30/fact-sheet-dhs-preparations-potential-increase-migration>), increasing attention (<https://www.nbcnews.com/how/video/migrants-are-falling-prey-to-social-media-misinformation-about-u-s-mexico-border-140669509646>). But we still know surprisingly little about the information environment that these U.S.-bound migrants are immersed in—the sources they trust, how they parse fact from fiction, and the impact of social media on their real-world experiences.

To explore this issue, TTP assembled a team of interviewers to talk with U.S.-bound migrants from Central America about their information consumption, including the social media accounts, pages, and groups they follow. The team spoke with 200 migrants, half of them south of the Mexican border in Guatemala, at the beginning of their journey northward, and half in shelters just south of the U.S.-Mexico border.

We found that migrants depend heavily on Facebook and WhatsApp for guidance about how to get to the U.S. Many said they used the apps to communicate with other migrants or with social service organizations in receiving communities. Others had used the platforms to connect with "coyotes," or smugglers who help undocumented migrants travel to the U.S. But many migrants also embraced false claims made online, like the belief that the borders are open now that the Covid pandemic had eased, or that pregnant women are allowed to enter the U.S. without documentation. Others expressed a general sense that migration is "easier" now—a sentiment not supported by official statistics or other measures.

TTP analysts were often able to identify the origins of these rumors in the Facebook pages, WhatsApp groups, and other social media that migrants told interviewers they relied on for information. On Facebook and WhatsApp, TTP found dozens of false and misleading posts about changes to immigration policy, special rules for parents and pregnant women, or favorable conditions along the migration route.

Migrants are often victims of fraud (<https://www.nytimes.com/2018/05/03/nyregion/immigrants-lawyers-defrauded-deportation.html>), violent crimes (<https://apnews.com/article/shootings-el-paso-texas-mass-shooting-us-news-ap-top-news-immigration-456c0154218a4d378e2fb36cd40b709d>), unsafe conditions (<https://www.nytimes.com/2019/02/27/us/immigrant-children-sexual-abuse.html>), and sexual exploitation (<https://vawnet.org/sc/sexual-violence-during-process-immigration>), while traveling and in their destination countries, and there's growing awareness that misinformation can increase their exposure to these threats. In 2020, for example, Human Rights First documented (<https://www.humanrightsfirst.org/sites/default/files/PubliclyReportedMPPAttacks12.15.2020FINAL.pdf>), the case of a Honduran asylum seeker who was sexually assaulted in Mexico after responding to an ad for a housekeeper on Facebook.

The recent discovery of a truck carrying the bodies of 46 dead migrants (<https://www.reuters.com/world/us/twenty-people-found-dead-truck-san-antonio-local-media-report-2022-06-28/>) in San Antonio underscores how important it is that migrants have access to reliable information in order to make safe, informed decisions about their journey.

Our interviews with migrants and review of social media data show that the platforms—especially Facebook—are failing to protect some of the most vulnerable people in the world from misinformation that could defraud them, lead to deportation, or put their lives at risk.

Specifically, the study found that:

•

Most participants in the survey relied on online sources for information about their journey or conditions in the U.S. Nearly all traveled with a smartphone or tablet.

- Almost 70% of migrants say they regularly get information from Facebook, more than any source other than word-of-mouth.
- Nearly a quarter of respondents said they used WhatsApp, the messaging app owned by Facebook parent company Meta.
- Respondents told our interviewers that Facebook and WhatsApp had connected them with fraudsters who stole their money, abandoned them in unsafe conditions, or gave them bad information.
- Many migrants told TTP interviewers they had heard misinformation about the ease of travel to the U.S. or special rules that would allow them to enter without documentation.
- A review of social media groups and pages identified by migrants showed an abundance of misinformation. TTP's analysis found dubious offers of coyote or legal services, false claims about conditions along the route, misinformation about points of entry at which officials waive the rules, and baseless rumors about changes to immigration law.
- Despite this, Facebook remained popular among migrants. When asked which source of information they trusted the most, word of mouth came first. But Facebook was a close second, with nearly a third of respondents saying they trusted the platform.
- Human rights NGOs along the U.S.-Mexico border appear to use the tech platforms to reach migrants to mitigate the effects of misinformation.
- Still, many migrants never receive that help, and must navigate online fraud and misinformation on their own. More than a dozen respondents had stories of being defrauded by coyotes or other individuals seeking to exploit migrants.
- Many respondents expressed frustration about the prevalence of misinformation targeting migrants. "I don't trust anything" was a common refrain.

For this survey, TTP interviewers asked migrants about how they accessed information, the sources they used and trusted the most, and how rumors or misinformation had affected their lives. The interviewers also asked migrants to name specific social media accounts, pages, or groups that they followed. Analysts joined and followed these online sources and reviewed their contents to get a deeper understanding of the information environment surrounding U.S.-bound migrants. The surveys were conducted in Spanish or in Mayan dialects, and the responses quoted in this report have been translated for an English-speaking audience.

This was not a scientific survey and the participants were not necessarily a representative sample of everyone who travels to the U.S. The survey was not intended to gauge whether social media causes more or less migration. But participants' stories carry useful lessons about the promises and pitfalls of tech platforms for some of the world's most vulnerable people.

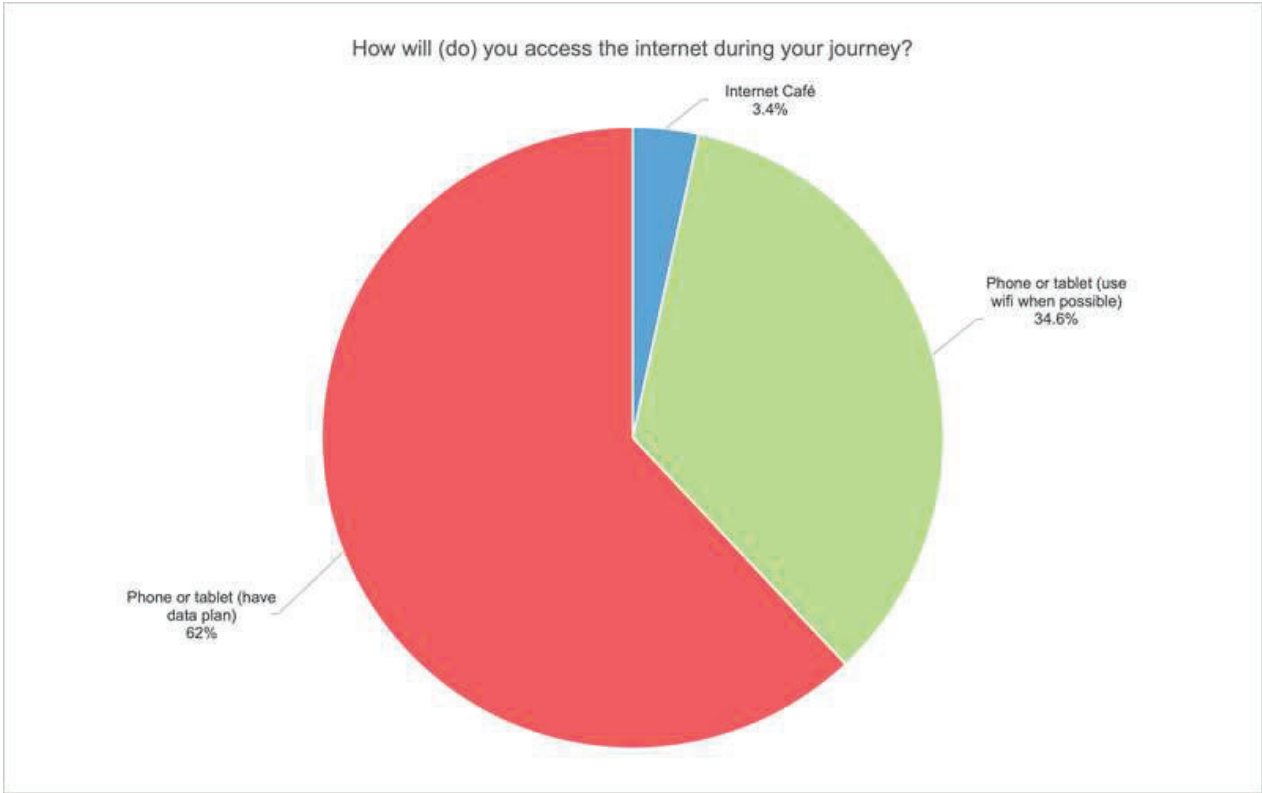
This report is the first of a series by TTP that will explore how information online affects the lived experience of migrants in the real world. In the coming weeks, TTP will take you inside social media through the eyes of a migrant traveling toward the U.S. We'll also look at how misinformation in receiving communities affects attitudes toward migrants in Mexico and the United States.

### **Connected and Tech-Savvy**

Nearly all of the migrants who spoke to TTP interviewers carried a smartphone or tablet, and regularly used it to access the internet. Smartphones serve as a lifeline for migrants who make long journeys across unfamiliar and often dangerous terrain.

"We all carry a phone so that we are connected in case something bad happens on the road or someone gets lost," one migrant said.





More than three quarters of respondents told interviewers that they regularly received information from a platform owned by Meta: Facebook, WhatsApp, or Instagram. A handful of migrants also told us that they relied on YouTube, Twitter, or TikTok.

These results transcend age. Survey respondents varied in age from 12 to 58, and we found that older participants were just as likely to carry smartphones and get information from social media as younger ones.

Online social networks appear to connect with real-world social ties. Many respondents told us that they learned about online spaces for migrants through word of mouth and that they have recommended specific social media accounts to other people.

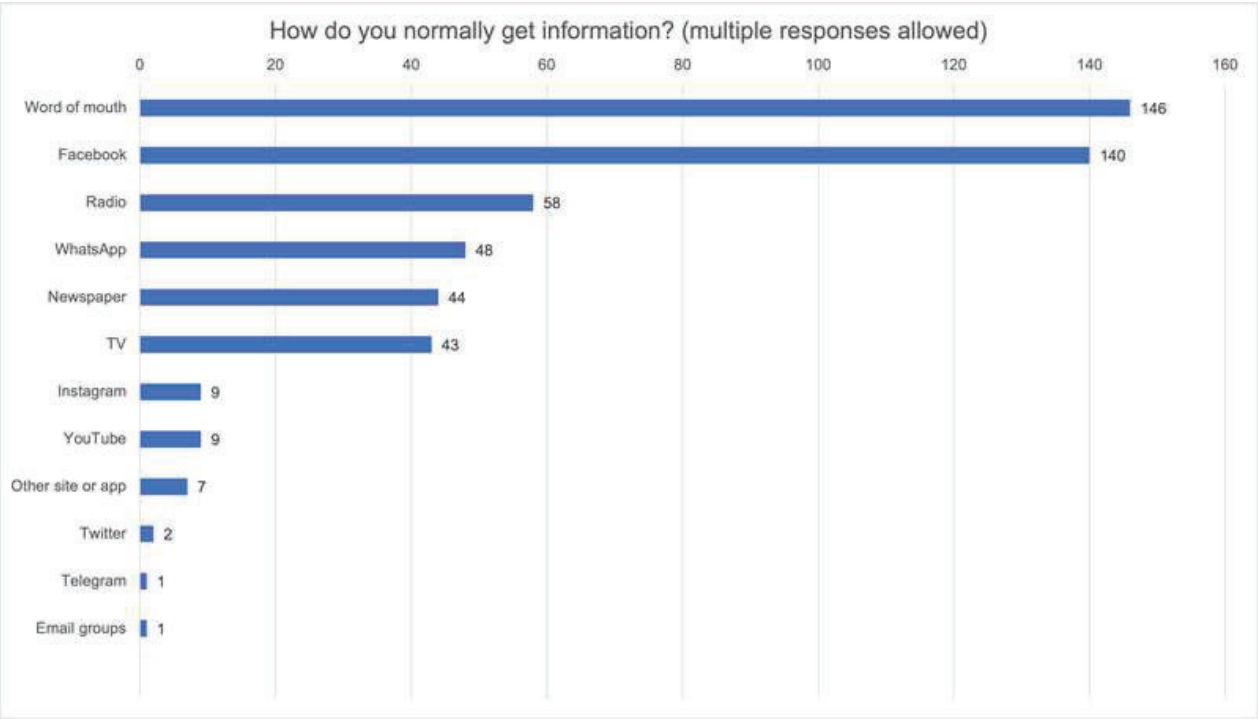
Migrants depend on tech platforms to communicate with their traveling companions, connect with legal and social services, and locate coyotes who can help them cross the border:

*"I found the person who will help me cross the border and enter the United States through a Facebook page."*

*"There was a WhatsApp group. ... They informed us about the conditions for crossing the border in each country."*

*"I discovered this WhatsApp group while in Tapachula. One of the administrators registered me and on that platform they share all kinds of information about both the caravan and the people who provide their services to cross the border."*





Several migrants told interviewers that they had connected with coyotes online. Offers of passage to the U.S. [abound](https://www.techtransparencyproject.org/articles/facebook-teems-human-smugglers-luring-migrants) (<https://www.techtransparencyproject.org/articles/facebook-teems-human-smugglers-luring-migrants>), on Facebook (<https://www.techtransparencyproject.org/articles/spot-check-facebook-still-haven-human-smuggling>). Coyotes advertise directly to migrant-focused Facebook or WhatsApp groups, or in local buy-sell groups, where ads for migration help mingle with postings about motorcycles and used furniture.

**migrantes en listados sin mpp.**

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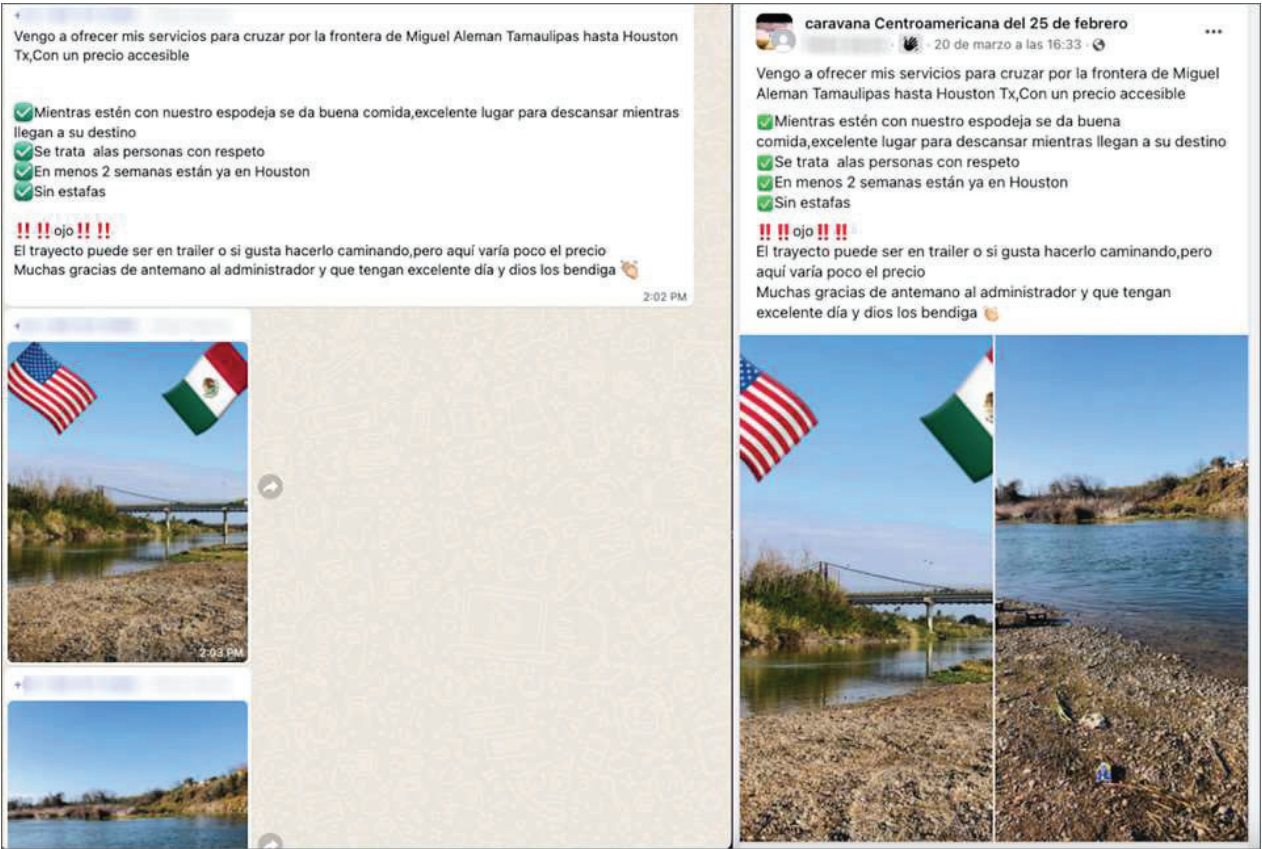
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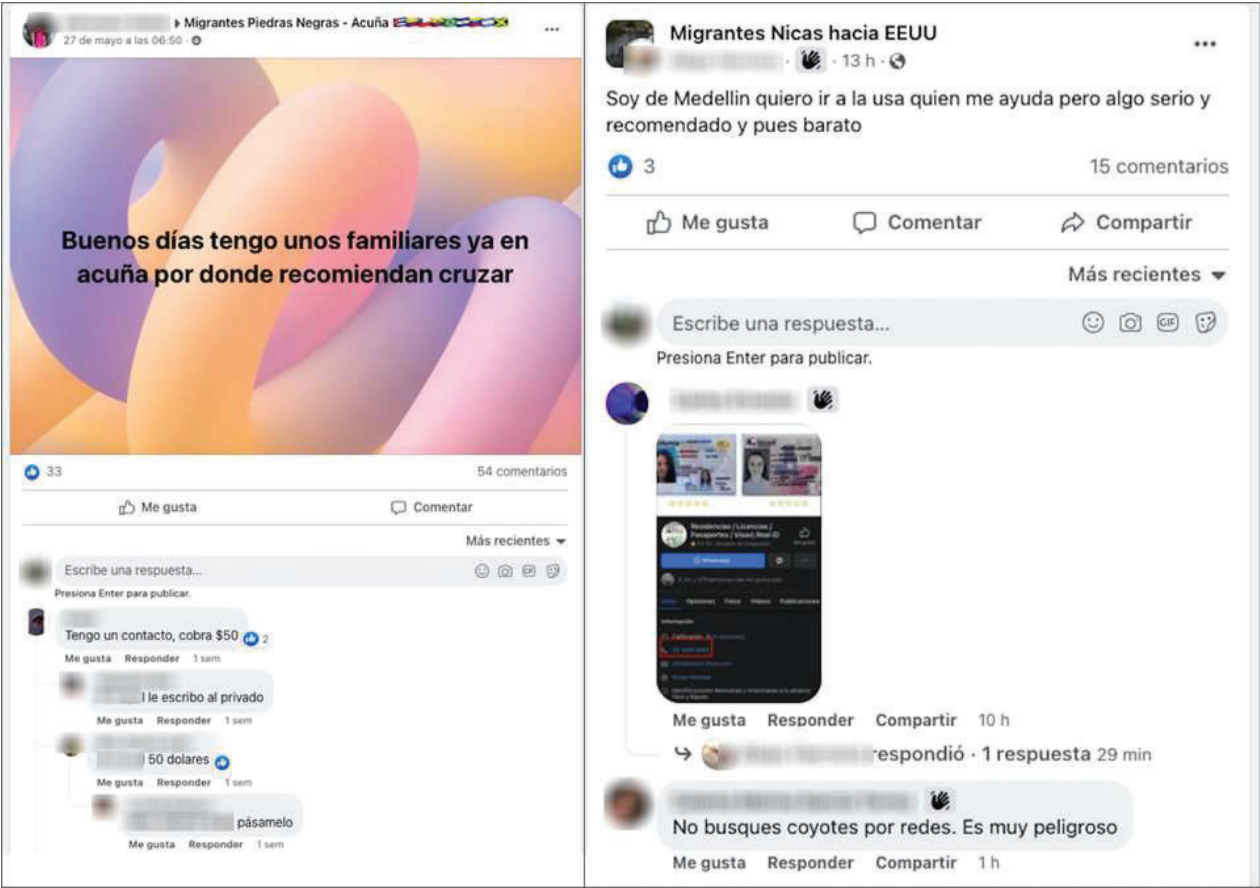
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Nicaragua\_AR\_001642

The same content often appears across multiple groups and platforms, like this ad offering a faster trip to the U.S. posted to caravan groups on both Facebook and WhatsApp:



In migrant groups, coyotes often respond to questions about conditions at the border or the status of U.S. immigration law with offers of fake documents or transportation.



Not all of these advertisements are scams. The services they offer may be illegal, but some of the coyotes or forgers on Facebook likely do provide what they promise. But, as many survey respondents told TTP, people selling coyote services are often fraudsters.

Take the Facebook account for “Alejandra Utis,” which advertises coyote services using a profile picture stolen from a travel blogger named Mariel Galán. The ads use stock photos for leisure travel to avoid detection, but make references to the American dream and the amount of time that travelers will be required to walk—revealing that “Alejandra” isn’t advertising vacations.



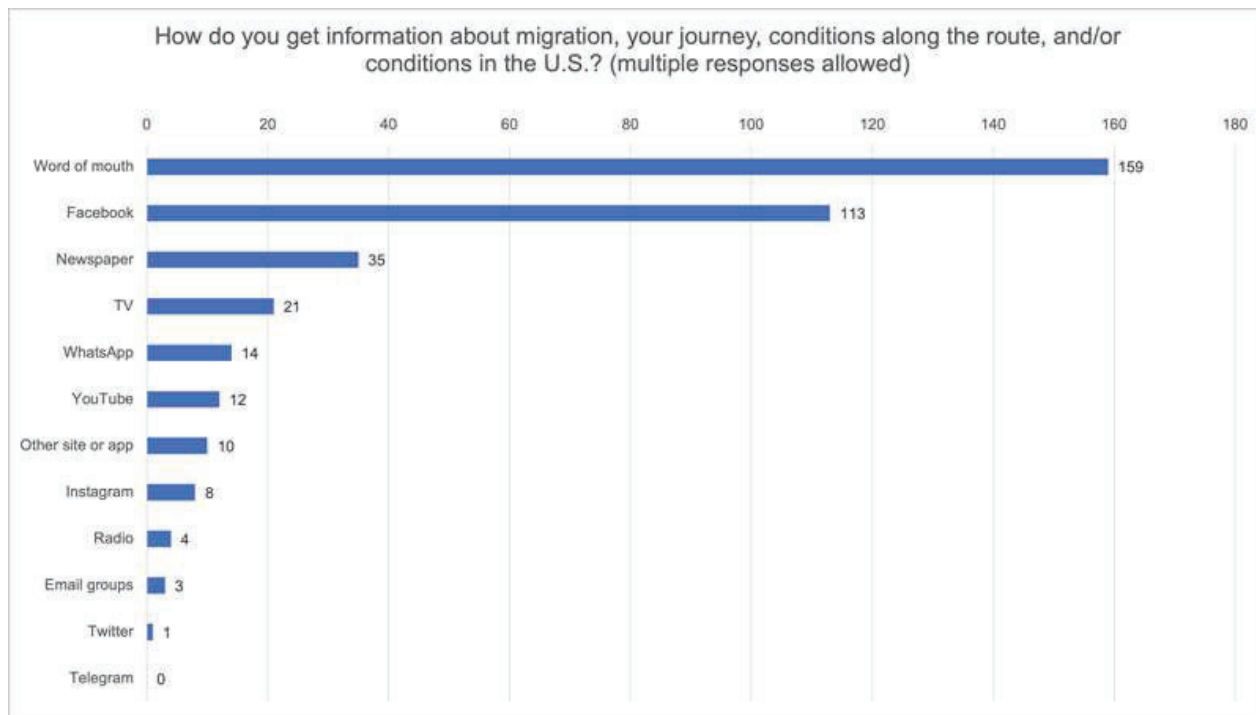


In another likely scam, a post promoting a widely advertised and since-deleted document-forging account used the logos of Mexican government agencies, in a move seemingly intended to trick migrants seeking government assistance into paying the forger instead.



### Meta Dominates

More than half of respondents said that they used Facebook or WhatsApp to get information about conditions on their route or in the U.S. After word-of-mouth communication, Facebook was the second most frequent answer to the question, "Which source of information do you trust the most?"



Migrants told interviewers that information posted on Facebook was “the most real” and that it reflected the experiences of people who had migrated to the U.S. WhatsApp was also popular with migrants because they perceive it as direct communication with people who have personal knowledge about migrating to the U.S.

But the popularity of these platforms also makes them targets for scammers seeking to defraud migrants by infiltrating group accounts. Our interviewers heard numerous stories of migrants who had been deceived by someone they met on Facebook or WhatsApp:

*“People publish information in Facebook groups that isn’t real—they only want to scam people. In August I consulted with someone through a Facebook account, and all of the information that they sent tried to deceive me, nothing more.”*

*“In one of the WhatsApp groups they lied about the ways to travel to the U.S. The things they said weren’t true—they just wanted to swindle us or use us as a means of transporting drugs. This happened to a family a month ago. They followed that information and they disappeared. There are rumors that they were kidnapped by drug traffickers but we don’t know where they are.”*

*“In the WhatsApp group they don’t only share information about the caravan. There are also scammers who indicate that they can help us cross the border but only aim to steal our money.”*

*“Previously I traveled alone and I relied on a Facebook account for support, but they cheated me.”*

*“On Facebook, they promote trips [but] when I looked into it, all of the information they gave me was false.”*

Other respondents named specific Facebook accounts that they said had promised safe passage to the U.S., only to take their money and turn them in to immigration authorities.

Facebook and WhatsApp are also rife with misinformation about the ease of travel to or entry into the U.S. In the pages and groups that survey respondents said they followed, TTP found false and misleading posts about points of entry into the U.S. where the authorities decline to deport undocumented migrants, special rules exempting pregnant women or migrants with children, or favorable environmental conditions along popular routes.

It is unclear whether these posts reflect intentional disinformation or simply unwitting misunderstandings, but the effect of these messages—a widespread belief that entry to the U.S. is easier than it is—is the same.

Nicaragua AR\_001646



In a recent post in a Facebook group for migrants attempting to cross the Rio Grande at Eagle Pass in central Texas, an administrator posted a photo taken from an angle that makes it appear as if the riverbed is completely dry. The same image appeared in a WhatsApp group. In fact, historical data (<https://waterdata.usgs.gov/monitoring-location/08458000/#parameterCode=00065&startDT=2022-06-01&endDT=2022-06-08>), from the U.S. Geological Survey shows water levels nearing three feet deep on the day of the post and during the week prior.

One respondent said that the photo was “purely a lie.” The previous week, authorities recovered the bodies (<https://www.youtube.com/watch?v=Nv2ZsUH6eEg>), of three drowned migrants near the same location.



Some of the false information posted online about environmental conditions appeared to influence survey respondents’ decision-making about their own migration attempts. One respondent said that they had been told that it would be easy to cross the desert this spring. Nine other respondents told TTP interviewers that they had decided to migrate now because they heard that it was currently “easier” to travel to or enter the U.S.

Misunderstandings about changes to U.S. immigration law can also contribute to misinformation. On WhatsApp, a cropped image of a news story about Texas Gov. Greg Abbott’s immigration policies created the false impression that Texas was no longer deporting migrants.

On Facebook, a poster was told that they would be allowed to enter the U.S. with their children during May and June because Title 42, a policy of immediately expelling migrants on public health grounds first invoked by the Trump administration at the start of the coronavirus pandemic, was set to be repealed.